THE UNITED NATIONS-NIGERIA CO-OPERATION AGAINST ILLICIT DRUG TRAFFICKING

BEING A THESIS SUBMITTED TO THE
POST GRADUATE SCHOOL,
AHMADU BELLO UNIVERSITY
ZARIA

NWOKOCHA, KENNETH CHIMDINMA

MSC/F ASS/00318/1993/94
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF MASTER OF SCIENCE (MSc)
IN INTERNATIONAL RELATIONS

JULY, 1999

DECLARATION

I declare that this work is my original work and has not been done or presented elsewhere before. All references made in the work have been duly acknowledged.

Researcher's Sign. Date 24/9/99

CERTIFICATION

This thesis entitled **"The United Nations-Nigeria Co-operation against Illicit Drug Trafficking"** by Nwokocha, Kenneth Chimdinma meets the regulations governing the award of the degree of MSc International Relations of Ahmadu Bello University, and is approved for its contribution to knowledge and literary presentation.

Chairman, Supervisory Committee — Date 24/9/99

Member, Supervisory Committee — Date 19/5/2000

Member, Supervisory Committee — Date.....

Head of Department — Date 25/9/99

Dean, Post Graduate School — Date 26/05/00

ACKNOWLEDGEMENT

It is difficult to acknowledge all the numerous persons who in one way or the other helped in my intellectual development as a student of International Relations.

However, my profound gratitude goes to an erudite scholar who is my supervisor, Dr.Unobe Ejembi. He offered me pieces of advice and guided me throughout this research work.

In the same vein, my appreciation goes to my Head of Department, Dr. Owhona Andrew who often showed his concern towards the successful completion of this research work.

I really enjoyed the team spirit of my colleagues or course mates right from the first day of our post graduate studies till this moment. I will never cease to remember those joyful moments we all shared together. I appreciate their encouragement.

I will never fail to show how grateful I am to my lovely friends for their prayers for me when it seemed all rough and stormy. Such people are Dr. Alisah B. F., Dr. C.M.O.A. Martins, Dr. Elegbejo, Mr. Victor Anosike, Ayo Dangana, Greg, Bello Ochekpe, Ugochukwu, Osas, Jerry, Amos Ronald, Henry Ibeh, Desmond Ezeala, Bro Clifford, Evangelist Joshua Olowoniyi, Rev. Clement Gonah, Pastor Asoluka Jonathan, Gabe, Edgar Agubamah etc. I also appreciate the prayers of some Postgraduate Students Fellowship brethren, my pastor, Rev. Ayuba Jinda and members of the Assemblies of God church, Samaru, Zaria. My love and appreciation go to my elder sister, Mrs Joy and family, elder brother Mr. Nnamdi and family and my lovely and friendly younger sister,

Tricia. I also thank my uncles Mr. Nwaeke Mark and Dr. Nwokocha Paul, my Dad, Dr. Nwokocha Emmanuel. My love goes to my cousins, Dr. Nwaeke clement, Paul Junior etc.

My countless thanks and love go to my mother - Agnes Nwacke whom God used as an instrument to sponsor my education right from my primary three up to masters level. Those prayers and sacrifices she made for me encouraged me to work hard, so that she will not be put to shame.

Most of all I praise and adore God, the Greatest of all inspiration who made provision for the completion of this work. I will always love Him no matter what.

ABSTRACT

Amidst the availability of literature on the problem of illicit drug trafficking and use, and their focus, this study specifically set out to look at the functional and effective co-operation between the United Nations and Nigeria towards the eradication of illicit drug trafficking.

With treaties and conventions serving as instruments of co-operation between the United Nations and Nigeria towards the elimination of the drug trafficking menace, to what extent has the United Nations gone in strengething Nigeria's Drug control performance, and what is Nigeria's response to such assistance rendered towards the extirpation of the drug menace? The period 1984-1997 has been used as our scope of study. The frame work of analysis is the classical functional theory.

The study is divided into six chapters viz:- Introduction, treaties and conventions as instruments of co-operation between the United Nations and Nigeria in eradicating illicit drug trafficking, the United Nations and Nigeria relations in historical perspective, the United Nations structures and assistance for Nigeria's Drug control programmes, strategies adopted by Nigeria to eradicate the drug threat and conclusion.

We have seen that co-operation exists between Nigeria and the United Nations but that some hindrances have not facilitated an effective co-operation so that the drug menace could be totally eradicated. To this end, it was observed tliat Nigeria on her own part needed to further make an effort at ensuring a functional co operation between tier and the United Nations so that the dream of ridding Nigeria of the drug problem could be

realized, thus ushering in social, economic and humanitarian progress, peace and security for both her citizens and the rest of mankind. This study is concluded with summary and recommendations.

TO MY MUM, ***AGNES***

"Who isn't inspired by a competitor who makes a comeback after being down and apparently out of the running! The runner who stumbles and falls but then gradually moves up on the pack and into the lead stirs the imagination of us all."

Martin R. De Haan II

"Weeping may endure for a night but rejoicing comes in the morning"

The Bible

"What we weave in time we will wear in eternity"

Anonymous

TABLE OF CONTENTS

CHAPTER		PAGE
Title Page		i
Declaration		ii
Certification		iii
Acknowledgement		iv
Abstract		vi
Dedication		viii
Table of Contents		x
Abbreviations		xiii
CHAPTER ONE:	**GENERAL INTRODUCTION, LITERATURE REVIEW AND THE RESEARCH PROBLEMATIC**	**1**
1.01	Introduction	1
1.02	Literature Review	2
1.03	Statement of Problem	11
1.04	Research Questions	11
1.05.01	Data and Methodology	12
1.05.02	Theoretical Framework	12
1.06	Objective of Study	22
1.07	Significance of the Study	23
1.08	Scope and Limitations of the Study	23
1.09	Organization of the Study	23

1.10 Clarification of Terms 24

CHAPTER TWO: THE INSTRUMENTS OF COOPERATION BETWEEN THE UNITED NATIONS AND NIGERIA 26

2.01 Introduction 26

2.02 Treaty and Conventions 26

2.03 The Single Convention on Narcotic Drugs of 1961 33

2.04 The 1971 Convention on Psychotropic Substances 35

2.05 The 1972 Protocol Amending the Single Convention on Narcotic Drugs of 1961 43

2.06 The United Nations Conventions Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 44

2.07 Level of participation expected of Nigeria by the UN in the area of Illicit Drug Traffic eradication. 48

2.08 What Awaits Nigeria if there is inadequate level of Participation 50

2.09 Summary 51

CHAPTER THREE: NIGERIA - UN RELATIONS IN HISTORICAL PERSPECTIVE 53

3.01 Introduction 53

3.02 The Nigeria- UN Relations in Historical Perspective 53

3.03 Nigeria and Drug Trafficking in Historical Perspective 62

3.04 The need for Nigeria to closely work with UN Agencies against Illicit Drug Trafficking 67

3.05 Summary 68

CHAPTER FOUR: THE UNITED NATIONS' STRUCTURE AND ASSISTANCE FOR NIGERIA'S DRUG CONTROL PROGRAMME ... 70

4.01 Introduction ... 70

4.02 Jurisdiction in relation to the eradication of Illicit Drug Trafficking .. 71

4.03 The Practical Structures of UN for Nigeria's Control of Illicit Drug Trafficking and Use ... 76

4.04 The United Nations' Assistance to Nigeria's Drug Control Programme ... 103

4.05 The Place of the UN Organs and Agencies in the eradication of Illicit Drug Trafficking ... 108

4.06 Summary ... 121

CHAPTER FIVE: STRATEGIES ADOPTED BY NIGERIA TOWARDS THE ERADICATION OF ILLICIT DRUG TRAFFICKING .. 122

5.01 Introduction ... 122

5.02 Adopted Strategies of Nigeria on the Effectiveness of the Conventions ... 122

5.03 Impediments to Nigeria's Collaborative Efforts with the UN in Combating the Illicit Drug Trafficking ... 148

5.04 Summary ... 149

CHAPTER SIX: CONCLUSION AND RECOMMENDATIONS 150

6.01 Conclusion ... 150

6.02 Recommendations ... 157

REFERENCES

BIBLIOGRAPHY

ABBREVIATIONS

CCC	Customs Co-operation Council
CND	United Nations Commission on Narcotic Drug
CNS	Central Nervous System
CSDHA	Center for Social Development and Humanitarian Affairs
DDRU	Drug Demand Reduction Unit
DND	United Nations Division of Narcotic Drugs
ECOSOC	Economic and Social Council
ECOWAS	Economic Community of West African States.
FAO	Food and Agriculture Organization of the United Nations
HONLEA	Heads of National Drug Law Enforcement Agencies
ICAO	International Civil Aviation Organization
ICDAIT	International Conference on Illicit Drug Use and Trafficking of 1987
ICJ	International Court of Justice
ICPO/Interpol	International Criminal Police Organization
ILO	International Labour Organization
IMO	International Maritime Organization
INCB	International Narcotics Control Board.
LSD	Lysergic Acid Diethylamide
NAFDAC	National Agency for Food Drug Administration and Control

NDCS	National Drug Control Strategy
NDLEA	National Drug Law Enforcement Agency
NGOS	Non-governmental Organizations
OAU	Organization of African Unity
UNO	United Nations Organization
UNDCP	United Nations International Drug Control Programme
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization.
UNFDAC	United Nations Fund for Drug Abuse Control.
UNICEF	United Nations Children's Emergency Fund
UNIDO	United Nations Industrial Development Organization
UPU	Universal Postal Union
WFP	World Food Programme
WHO	World Health Organization

CHAPTER ONE

GENERAL INTRODUCTION, LITERATURE REVIEW AND THE RESEARCH PROBLEMATIC

1.01 Introduction

Drug use predates ancient times as herbs, barks, leaves and plants were used for medical purposes. The proper administration of a drug should lead to positive results. With time, the latter began as a phenomenon of recreational activity which led to a problem of dependence and abuse.

In recent years, the use of illicit drugs has dramatically escalated in virtually all countries of the world. It is now matter of great concern to the governments of the nation states experiencing the negative effects which are in the form of accidents, learning disabilities and mental problems; problems of the respiratory system- heart, lungs; crime etcetera. These effects are burdens to the particular society experiencing the menace

Possibly, illicit drug trafficking and addiction have been precipitated by the alarming rise in illicit production, distribution and sale by drug barons or kingpins and drug couriers, and the consumption of hard drugs by vulnerable customers. This act of movement of these drugs from the farm to the consumer is called illicit drug trafficking. The drug trade is known for its destructive impact on nations states' economies and their social structure.

To curb drug trafficking, Nigeria, under the aegis of the United Nations has risen to fight the illegal traffic in narcotic drugs and psychotropic substances. This is done through the latter's drug control bodies. With each successive convention and protocol

designed to minimize the flow of narcotic drugs, the United Nations has consolidated the decision that Nigeria fights and puts an end to illicit drug trafficking.

As long as the effectiveness of a drug control Organ hinges on the support and action of Nigeria, the effectiveness of a convention is directly related to vigorous implementation of the Nigerian state who is a party to it. That is, it is only through the cooperation and involvement of Nigeria can the various United Nations conventions and bodies fulfill their functions effectively (The United Nations International Drug Control Programme, 1992, P. 53)

The opposition to drug trafficking by Nigeria in collaboration with the United Nations Organization has led us into studying how the drug problem could be eradicated.

Although there are numerous literature on the problem of illicit drug trafficking, none has dealt with the nature of the relationship between the UN and Nigeria and the impact of such relationship on the effectiveness on the UN's conventions on illicit drug trafficking. This point is demonstrated in the next section which reviews available and relevant literature.

1.02 Literature Review

Literature review is geared towards making or having a detailed knowledge of the topic under study, and so, it is our sole aim to examine the diverse opinions of authors, scholars and other people on the subject under study. That is why, Ekennia, A. in her M. A. thesis quoted a scholar as having implored all researchers to "preview former works on their area of study so as to see what needs to be added or removed from the former

works in order for the product of the study to have relevant meaning to its readers" (Ekennia, Anne. 1990. p.2).

First and foremost, there is the need to look at the operational term 'cooperation', in order to have a better understanding of the research topic. According to Webster, co-operation is "the act of working or operating together to one end; joint operation, concurrent effort or labor". (Webster, 1975, p.402). Webster's definition of co-operation is relevant to our study because it helps us to understand the intended goal of eradicating illicit drug trafficking between the United Nations and Nigeria.

Iyamabo, J.A. (1990, p.19) sees illicit drug trafficking as the supply, transportation, storage, importation or exportation of a controlled drug unlawfully. What is involved here is an International networking activity whereby various devices are employed to perpetuate the illegal trade.

To the UNO, illicit drug trafficking means, the cultivation, manufacture and trafficking in drugs banned by the United Nations treaties. (Ghali, B. B. 1994, p.3). The expression, "illicit drug trafficking" in other words is used to describe the link between the demand for and supply of illegal drugs. What is portrayed here is a picture of well organised syndicates of professional criminals in the illicit drug business who skillfully try to circumvent or beat the security network or systems established at the international, regional and national levels. Ghali, B. B. further points out that the global drug menace has leapt beyond geographical boundaries of states and argues that it is no longer correct to classify it as a national problem or issue having penetrated the sphere of international politics and World Economies.

In the same vein, Cutting, P.D. (1983; p.21) sheds more light on the dynamism of illicit drug trafficking when he says that "the operations and methods of those smuggling and dealing in illicit drugs are becoming progressively more determined, complex and sophisticated.

In line with this observation, Stamler, R.T. (1984; p.3) avers that well organised international criminal syndicates control illicit drug trafficking for profit motive and to secure influence which in turn help them perpetuate illicit drug distribution network. Again, Stamler points out that, these illicit drug traffickers use sophisticated facilities or technology such as Clandestine laboratories at the same time divert the proceeds to illicit use (Money Laundering) to any area of the globe. It is these funds which facilitate the drug distribution without having regard to the national boundaries and taxation system or the regulation applied to legitimate trade and commerce. (Ibid. p.4).

Buckingham, A. (1995; p.8), asserts that illicit drug trafficking has destructive impact on economies, societies and individuals. He further asserts that from the microeconomic angle, drug money inflates private consumption and distorts the production cycle by adding a source of income, funds and human resources meant for the development of the public and private sectors which further are diverted to unproductive consumption oriented sectors.

In her own view of the effects of illicit drug trafficking, Okeshola, F.B. (1993; p.5) uses Earp's assertion when she argues that the illicit drug trade increases the tendency for illicit use of narcotic drugs and psychotropic substances, further leading to criminal behavior by addicts while trying to finance their drug taking habit. Criminal acts are

committed while under the influence of drugs which invariably increases demand for social services, health care and legal aid.

As illicit drug trafficking continues to be a menace to countries around the word, the United Nations functional activities especially towards drug eradication is needed. Thus, Ajayi Femi (1994) opines that the pervasive nature of illicit use and trafficking of narcotic drugs and psychotropic substances definitely poses a great danger to mankind. So, in her continuous move to promoting the welfare of peoples and nations of the world, the United Nations pledged to fight the drug problem through the establishment of the United Nations International Drug Control programme which would co-ordinate all United Nations drug control activities, see to it that relevant treaties are implemented, at the same time provide effective leadership in International Drug Control.

Deductively, United Nations functional activities towards the eradication of illicit trafficking is centrally aimed at limiting or reducing the supply of and demand for narcotic drugs and psychotropic substances to only medical and scientific requirements, increase technical assistance after dissuading farmers from narcotic agricultural activity, such as crop substitution programme, thus improving their standard of living. The UN also aims at working with Governments, intergovernmental and non-governmental organizations in order to eradicate the menace, rendering assistance, boosting the structures meant for the treatment, rehabilitation and social integration of drug addicts of states, etcetera (Basic facts about the United Nations 1995).

Mazzitelli, Luigi A. (1996) in revealing the vision United Nations had or designed for Nigeria, he said, "it is the fervent hope of the United Nations International Drug

Control Programme (UNDCP) and all its counterparts that the war against Drug Abuse and illicit trafficking will be won". He established a linkage between the United Nations International Drug Control Programme's operation in Nigeria with the UN General Assembly with a view to assisting Nigeria to totally eliminating illicit drug trade, at the same time, equipping the country with specialized expertise. The approach UNDCP was adopting to help Nigeria was to lend her a legislative assistance towards implementing the 1961, 1971 and 1988 International Drug Conventions. Such efforts were geared towards achieving development since the illicit drug trade impinges on the development of Nigeria. For Mazzitelli, positive development for Nigeria would have to be pursued through three positive approaches:

1. The recognition of interdependency in the global village in the area of drug related issues;
2. The empowerment of people as practical and indispensable tools for achieving self sustainable results through technical assistance, and
3. The design and implementation of workable strategies at the national, sub regional and regional levels (Ibid).

His view on the one and third approaches go beyond the national frontiers of Nigeria to existing organizations such as the OAU and the ECOWAS.

Buckingham, A. (Opcit) in the same vein looks at the activities of the UNDCP office in Nigeria as being conceived and designed towards mobilizing and organizing the resources of Nigeria and further giving her drug control activities a boost.

Musa B. (1997) looking at the structures of the UN needing to be utilized by

Nigeria, rather puts forward objectives to be demonstrated for the eradication of illicit drug trafficking. According to him, the objectives are to:

a. Prevent the illicit traffic into and through Nigeria,

b. Embark on subregional, regional and international cooperation,

c. Control illicit supply of narcotic drugs and psychotropic substances,

d. Facilitate the forfeiture of the instruments and proceeds of illicit drug trafficking and transfer them to the Nigerian State,

e. Prevent the illicit demand for drugs,

f. Treat and rehabilitate drug dependent persons,

g. Co-operate with NGOs and

g. Encourage inter agency co-operation.

He therefore maintains that all the objectives will portray a positive commitment to the drug war in Nigeria.

Afolabi, Janet Mba (1996) in proving that the objectives are being operationalised, uses Musa Bamaiyi's assertion that Nigeria was already on the path to victory and that seizures of drugs and arrests of drug Barons and Couriers were carried out.

Consenting to this claim, Akpan Mike (1996) points out that Nigeria had so fought the drug war that a ministerial committee was set up to look into how the drug menace could be handled.

As illicit drug trafficking continues to be a global menace, a greater need for international co-operation towards the control or eradication of the threat has been advocated. Boutrous, B. G. Stresses that what is needed is the effective functioning or

workings of the International Drug Control System which hinges on nation states' application of the provisions of the UN drug treaty laws. (Opcit p.4).

Stamler, R. T. (Opcit; p.9) looking at the sophisticated nature of International trafficking in illicit drugs, suggested that there should be an International instrument containing provisions against such a criminal act. He argued that this would facilitate the establishment of national laws and procedures for tracing, seizing, freezing and securing the forfeiture of the proceeds of the International illicit drug trade. The objective of the suggested penal provision would be to deprive the illicit drug traffickers the fruit of their syndicated criminal labor. However, the success of this legal instrument rests on the national authorities whose well designed and established policies and control machinery need to be in compliance with the provisions of the UN for the control of the illicit drug trafficking activities (Bayer, L. 1983; p.5).

Alfons Noll (1997) in his own contribution entreats the Governments of nation states, party to the treaties. Then he goes on to insist that the achievements of the goals of the convention must be guaranteed by the parties involved so that global supply of narcotic drugs and psychotropic substances are limited to only medical and scientific purposes. However, if the various national control systems are not well conceived and operated smoothly, the international drug control system cannot effectively cope with the illicit drug problem, "which by its very nature, is by no means confined to the territory of any nation, but is truly an international one" (Ibid).

We can then see that Stamler and Alfons have suggested how states could grapple with the problem, believing that the application of the UN provisions by the parties,

towards the prevention and repression of the drug threat would create a positive impact in the international arena, thus maintaining global peace and security, social and economic stability and humanitarian progress as advocated by the classical functionalists.

Thus, Prince Bola Ajibola (1990) avers that while provisions of international instruments would facilitate the execution of requests from one signatory to the other in the global war against trafficking in narcotic drugs and psychotropic substances, he believed Nigeria entering into mutual international treaty agreements would greatly enhance her fight against the global threat buffeting the Nigerian Society.

Umozurike, U.O (1995) however posits that these treaty laws or provisions were no doubt meant to protect the interests of those stronger state actors, at the same time served as a tool for the subjection and exploitation of the weaker states. These international legal instruments, even when they had become obsolete, these stronger parties benefitting from them seemed to perpetuate them even when outbreak of hostilities resulted from the situation (Ibid; p.6). For example, in the colonial history of Nigeria, the colonial powers passed into law many treaty obligations on drug trafficking especially ones on the Geneva convention, which covered wide areas of drug trafficking and illicit use, many of which were hardly known in Nigeria at that time. After Nigeria became an independent state, her domestic policy formulation and legislation really did not have a sharp focus. (Yemi, Osinbajo, 1985 p.222).

However, just as it had been argued that the formulation of the international drug control policies were done to perpetuate the interests of the West, it is not just easy to downplay the need for Nigeria to be involved in the global fight against illicit drug

trafficking.

International law sees all states as subjects of international law, whose interests must be promoted and protected, and all states are equal before the law, irrespective of religion, race, color, creed or political ideology so long as a state has a recognized independent status. Any nation state that has become a party to the treaties is a party to the charter and must conditionally abide by the stipulated agreements *pacta sunt servanda*. Thus, Maryan Green (1973; p.161) argues that "once in force, treaties are binding upon the parties to them and must be performed in good faith. A state may not, in particular, justify non-observance by reference to any impediment of its municipal law."

So, if Nigeria has become a party to the treaties controlling illicit drug trafficking and use (Ezeji Onyema, 1997; p.21), has not withdrawn from or denounced the agreements, then the suggestions made by the Western Scholars on International co-operation against the drug menace is applicable to her. The reason why the laws were designed in the first place was to counter illicit drug trafficking and consumption.

There is no gain saying the fact that the various sources consulted have addressed the problems of illicit drug trafficking. This study is not intended to design a new direction but to build on what has been started by others. It is just that in all those reviewed works, what were really projected were how the drug trafficking menace has assumed a global dimension which has led to the call of states to examine their implementation of the international legal instruments or provisions against illicit drug trade in their municipal legal system, the UNDCP's vision to helping Nigeria implement the 1961, 1971 and 1988 conventions, the objectives set forth by Nigeria towards solving

the drug problem etcetera. Even if any of the works did look at the cooperation between the United Nations and Nigeria at solving the drug problem, it was a cursory one.

We believe therefore, that looking at the drug problem and its solution at a piecemeal approach, that is Nigeria, in conjunction with the United Nations rather than at a global level, we can provide answers that will eventually entrench social and economic stability, humanitarian progress, peace and security, once the drug threat is solved. If this is successfully done, would serve as a model for other countries which definitely would lead to a global solution of the menace. So, since none of these literatures have analyzed how UN and Nigeria can effectively co-operate to eradicate illicit drug trafficking, this is what the study is looking at.

1.03 *Statement of Problem*

The illicit use and trafficking in narcotic drugs have spread at an alarming rate and there is no part of the globe that has not felt the threat. To this end, the international community has demonstrated its concern to tackle the problem.

Therefore, the problem of this study is how the United Nations and Nigeria can effectively put in efforts to handle illicit drug trafficking in narcotic drugs and psychotropic substances.

1.04 Research Questions

1. What are the instruments of cooperation used by the United Nations and Nigeria towards the eradication of illicit drug trafficking?

2. To what extent has the UN assisted Nigeria in controlling illicit drug trafficking and use?
3. How has Nigeria exploited the provisions put forward by the UN towards the eradication of drug trafficking?

1.05.01 Data and Methodology

Data used in this study were collected from secondary sources such as UN Documents, Newspapers, Magazines, including the National Drug Law Enforcement journals and enlightenment pamphlets on drug trafficking. The data were subjected to systematic content analysis.

1.05.02 Theoretical Framework

The need to understand the co-operation between United Nations and Nigeria in eradicating the illicit drug trafficking necessitated the use of functionalism as a framework of analysis.

First and foremost, three functionalist approaches would be addressed here: Structuralist, Neo and Classical Functionalism.

STRUCTURAL FUNCTIONALISM

Structural-functionalism originated in the Biological Sciences and Mechanical Engineering. Within the social sciences, it was first used in the study of anthropology and psychology but was later developed and refined as a mode of sociological analysis. Much

more later, the theory came to be applied by students of politics to show that every political system has certain functions assigned to it. The main proponents of the theory are Talcott Parsons, Marion Levy and political scientists like G. A. Almond and D. Easton.

This theory believes that all systems have structures (sub-systems) which can be identified, and that the parts or elements of these structures or sub-systems perform functions within the system which have meaning only in terms of the working of the whole system (Morton R. Davies et at 1971; pp. 34-35; Apter, D.E. 1977; p.401-3). In other words, all the subsystems are dependent on the whole system as an active entity for their existence, and are, in turn, linked in such a way as to be also dependent on each other for their activity. Deductively, structural - functionalism loses its meaning if all the structures or subsystems are not interdependent and at the same time function together in order to achieve the objective of the whole system.

Structural functionalism believes in the existence of four basic functions in the political system. They are adaptation, goal attainment, integration and pattern maintenance. According to the theory, each of these basic functions is carried out by four analytical subystems, the social, cultural, role personality and behaviour organism. The theory regarded these functions as pre-requisites for the maintenance of any society. The theory sees the society as been made up of four basic structures or subsystems - the economy, polity, law and social control, and cultural and motivational commitments - each of which was said to perform one of the functions for society (S.P. Varma, 1996, p.200).

The theory attributes the state of society at any moment to the exchanges occurring among the subsystems such that the outputs of one sub-system become the inputs of the

others. Suffice it to say that each subsystem, therefore, operated in an environment which included each of the other sub-systems.

Furthermore, this theory opined that all systems performs two basic sets of functions - input and out put functions (Ibid, p.38). It discerns four input functions: political socialization and recruitment, interest articulation, interest aggregation and political communication and three output functions: rule making, rule application and rule adjudication.

Input functions are seen by the theory as being performed by non-governmental subsystems like pressure groups, while the output functions are done by the government. For instance, it is the government and their bureaucracies which make rules (legislate), apply rules (administer) and adjudicate between individuals and groups on the basis of rules.

This theory, by imbibing the concept of input - output function, has further established the fact that the domestic political system of the state is not a 'close' system whose working is determined solely by what happens within it, but more importantly, that the political system's activity is affected by other subsystems of the society and by processes and activities that occur in the wider environment beyond the border of the state, that is, by international relations.

However, structural functional theory will not be used or applied in this study because it relates more to comparative politics. We are not looking at political systems or structures and their functions within Nigeria neither are we looking at how the function of the political systems activities affect international relations in solving the drug

trafficking menace. What we are concerned about in this study is how the United Nations and Nigeria can effectively co-operate and eradicate illicit drug trafficking, thereby entrenching social and economic stability, humanitarian progress, peace and security.

NEO-FUNCTIONALISM

Neo-functionalism, a new derivative of functionalism is another theory which arose in the 1950s challenging the assumptions that there be ever expanding functional needs for joint action to address the global social and economic problems. This form of functionalism was advocated by Ernst Haas.

Neo-functionalists are concerned about time tables. They are worried that evolutionary approach favoured by classical functionalists will not move quickly enough and will not culminate into political co-operation soon enough to head off many world's looming problems. Therefore, the establishment of political issues with an eye to greater co-operation sooner is highly advocated. They believed that it may as well lead to non-political co-operation.

They pointed to examples like, the US-Soviet political accommodation on nuclear arms and a number of regional disputes such as Afghanistan which have increased cultural and economic exchange and co-operation rather than the other way round as classical functionalists might assume.

Thus, Ernst Haas central position was, there exist a continuum between economic integration and political union, that both areas are linked together by the "spill over" effect with which tasks and power of the central institutions are increased and integration

gradually encroaches on the politically sensitive areas and political community merges and grows. This determinism was prompted by the observation of the European experience. It was observed that the determinism implicit in the picture of the European social and economic structure is almost absolute.

Given all these conditions, the progress from a politically inspired common market to an economic union and finally to a political union among states is automatic seeing this as an automatic process leaves little room for conscious effort on the part of the actors involved, hence a degeneration of the subjectivist aspect in the integration process.

However, the anti-functional politics of the late president De-Gaulle of France as regarded to the European Market, forced Haas to revive his previous deterministic position. He acknowledged that economic integration does not automatically lead to political unity but that integration and disintegration co-exist simultaneously and that crucial political choices are important.

The inter-relationship between the political and economic forces presented a definite problem. Thus, in Haas modified model, even though more weight was given to the political function, this could only have significance given a charismatic leader.

Since the Neo-functionalist advocates the solving of social, economic and humanitarian problems through the establishment of political co-operation, we would not use it as a framework of analysis because, we intend to solve political problems through non-political co-operation.

CLASSICAL FUNCTIONALISM

This study would employ classical functionalism as its theoretical framework. David Mitrany, the father of functionalism is generally credited with laying the foundation of its major premise.

Essentially, this theory states that international co-operation in non political fields like socio-economic, cultural, technical and humanitarian issues are major pre-requisites for the ultimate solution to political conflicts.

Classical functionalism therefore believes that co-operation in social and economic spheres may lead to co-operation in political field. Thus, in order to achieve this co-operation and solve problems of political nature, Mitrany observes that nation states must come together when he says "the problems of our time is not how to keep nations peacefully apart but how to bring them actively together" (Inis Claude, 1965, p.346).

In relation to the social, economic, technical and humanitarian issues of functionalism, our study tends to look into the co-operation between the United Nations and Nigeria towards the eradication of illicit drug trafficking.

Eventually, classical functionalism represents a horizontal approach to solving the problem that is political in nature rather than looking at the vertical divisions that separate nation states. From here, Mitrany's view represents an attempt in "binding those interests which are common where they are common and to the extent to which they are common".

Functionalists favour a bottom-up evolutionary strategy or approach for the building up of co-operative ties among states. They argue that by co operating in specific areas usually non-political areas, we can learn to trust one another. This in turn will lead

to broader and higher levels of co-operation. In line with this, this study hopes that if effective co-operation exist between the United Nations and Nigeria towards the elimination of illicit drug trafficking menace, that more harmonious co-operation will exist between them.

The classical functionalists argued that building "peace by pieces" through international organizations and agencies can be attained through the "step by step" approach, sovereignty must be shared instead of its surrender and must be achieved through a function and not through a formula. The functionalists then contend that in time, the accumulation of such partial transfers of sovereignty will overlay political divisions with a spreading web of international activities that will promote world peace, security and integration.

They are also of the view that the best agents who build collaborative or co-operative ties among states are technical experts and not professional diplomats because while the former strive to bridge national borders, the latter protect and perpetuate national interests of their states at the expense of the collective interest of mankind. Again, the classical functionalists do not wish to address the immediate sources of national insecurity but the peace plan which calls for international co-operation in technical, economic and social areas which serves as a first step of such co-operation. Thus, cooperation learned in one technical area such as physics or medicine will spill over into other areas "especially if the experience is mutually beneficial and demonstrates the potential advantage of co-operative ventures in other related functional areas such as transportation and communication." (Kegley, C.W et al 1993; p.526).

Mitrany frowns at the effort in providing a comprehensive blueprint for the conduct of international affairs rather than relying on specialized Agencies, programs, funds and commissions which serve as pragmatic developmental arms of the United Nations, at the same time carrying out their functional activities thus performing one central global mandate. One of such agencies is the United Nations International Drug Control Programme (UNDCP), whose co-operation with Nigeria is aimed at eradicating illicit trafficking and use in Nigeria.

There are three factors that functionalists believe can cause problems of political nature.

The first one is that, political problems or conflicts are caused by poverty which leads us to believe that "a hungry man is an angry man". Because of the economic and social problems that exist, further leading to poverty, problems of political nature are created.

The second factor sees the state at fault not because it is intrinsically a fighting organism as the power political leaders would have it but because it is increasingly an inappropriate and ineffectual agency for doing what had to be done in order to promote the economic and social health of the human family. Therefore, states should surrender their sovereignty to a world government that can pull global resources which is capable of solving problems of poverty for mankind.

The third sees military men and diplomats as "war hawks" because the attitude of the former and latter can cause conflicts. That is, the military man has violent and animalistic instinct of behavior while the diplomat tells a lot of lies and is deceptive. So,

Mitrany proposes that these professionals should go for re-education and calls for a global school of re-education.

There are steps that functionalists recommended for the entrenchment of world peace and security.

1. Separability- priority thesis: that is we should separate social, economic, technical and humanitarian problems from political problems and these non-political issues should be given priority after which it will be possible to solve the problems of our world,
2. Transferability, expansibility and ramification which believes that the skills that are acquired in solving social, economic, technical and humanitarian problems can be transferred into solving political problems.

The views of the classical functionalists have attracted some criticisms. One of such criticisms maintains that economic, social, technical and humanitarian issues cannot be separated from the political issues. That is true, but it has to be realized that functionalists want to tackle the political problems starting from the economic and social sides, not that it will delink the two inseparable issues.

Moreover, the concentric theory of the functionalists which states that by solving economic, social, technical and humanitarian problems, the good effect obtained will expand to solve political issues have been challenged. Critics said that other world turbulences may prevent the functional ripples reaching the political issues. This can be reflected especially when one realizes that the European union of today started at the functional level of European coal and steel community.

Furthermore, functional views have been criticized based on the issue that human loyalties cannot be completely transferred to that of world body and that functionalism has a slow way to solving the world problems. It must be clearly stated that what functionalists want is to start bringing human loyalties together in the area that will be easy like the economic and social perspectives and from there, political roles like disposal of toxic wastes, total elimination of colonialism and apartheid, solving the problems of drug threat, etcetera, would be tackled. The aim has always been to maintain peace which is the pivotal area of functionalism. A baby must learn how to crawl before learning how to walk. It cannot be the other way round as the opposers of classical functionalism are advocating.

Again, functionalism being slow to solving world problems cannot be seen as a loophole because world problems are too colossal to be rushed. It should be remembered that slow and steady wins the race while hasty climbers have sudden falls.

Functionalism has its own uncontestable advantages. It is a device for circumventing jealously guarded sovereignties and for establishing the groundwork for peaceful international community. It is the best way to use non military approach to reaching world peace and security. It represents the application of welfare state philosophy to the international sphere, emphasizing the responsibility of international agencies for rendering services rather than merely enforcing controls. It is the credit of functionalism that it burrows deep under the surface of reality to find the root causes of conflicts. The best way to tackle a problem is from its roots and this, functionalism has done. Functionalism "seems to emerge from the diagnosis clinic, not the drug counter of

the international movement". (Claude, Ibid).

Again, as David Puchala observes in Gambari's work (1992, p.4), there are number of reasons for the modest contributions made by the classical functionalists in the study of international and regional co-operation. "They accurately located the organs of international co-operation in functional interdependence, recognized the importance of sector approaches to co-operation and identified the importance of non-governmental transitional actors".

Since the classical functional theory has to do with the functional sector of an organization involved in activities in the international dimension, the theory will reflect the problematic of this study which has to do with the co-operation of the United Nations and Nigeria at an effective eradication of illicit drug trafficking and use in Nigeria. In this way, economic, social, technical and humanitarian progress will be attained and the political problems handled.

The UN and Nigeria are expected to address the drug problem as this, and if not tackled, could lead to corruption, crime, violence and threat to justice and fairplay in Nigeria and then the global arena.

1.06 Objective of the Study

1. To examine the instruments of co-operation between Nigeria and the UN, particularly in the area of eradication of illicit drug trafficking.
2. To examine the extent to which the UN has assisted Nigeria in its efforts at controlling illicit drug trafficking and use.

3. To investigate how Nigeria has exploited the provision put forward by the UN towards the eradication of drug trafficking.

1.07 Significance of Study

This study will help us to know the extent to which the United Nations and Nigeria have co-operated in eradicating the illicit drug trafficking and use.

1.08 Scope and Limitations of the Study

The extent and duration or time of study must be considered when scope and limitations are mentioned in a study such as ours. So, this study focuses on effective co-operation between the United Nations and Nigeria towards the elimination of illicit drug trafficking. This study spans from 1984 to 1997 of Nigeria's active involvement with United Nations against the illicit drug trafficking menace.

1.09 Organization of the Study

This study is divided into six chapters. Chapter one focuses on the general introduction to the study. Chapter two looks at the instruments of co-operation between the United Nations and Nigeria particularly in the area of eradication of illicit drug trafficking. Chapter three contains the historical overview of UN and Nigeria's relations particularly in the field of anti-drug trafficking campaign. Chapter four attempts to look at the extent to which the UN has assisted Nigeria in eliminating the menace while chapter five investigates how Nigeria has exploited the provisions put forward by the UN

towards the eradication of drug trafficking. Summaries of the previous chapters, conclusion and recommendations, will all fall under chapter six.

1.10 Clarification of Terms

1. **Drug:** This is any substance which when ingested into the body system may alter one or more of the body functions. In this study, the mention of narcotic drugs and psychotropic substances would mean those drugs that seriously influence or affect the brain and the central nervous system (CNS) which causes sedation, stimulation or changes one's mood.

2. **Illicit Traffic:** This refers to the trafficking in drugs contrary to the provisions of the United Nations convention. It also means the illegal trade and distribution, manufacture and production of 'hard' or narcotic drugs. Production is the separation of opium coca leaves, cannabis and cannabis resin from the plant from which they are obtained.

3. **Convention or Treaties:** This is the legal instrument of the United Nations establishing a frame work for the regulation of illicit drug trafficking to which Nation states are parties.

4. **Illicit Drug Use:** The deliberate use of narcotic drugs and psychotropic substances for non-medical reasons which later leads to addiction and dependence.

5. Drug Traffickers: This refers to people who trade in illicit drugs for the sole purpose of making profits, circumventing the security network mounted by anti-drug law officers both at local and international levels.

6. Drug Barons: are large scale financiers responsible for the reception, importation and redistribution of large quantities of illicit drugs into and out of a country. They are largely wholesalers. They necessarily may not have any direct contact with the illicit drug itself or the traffickers but are the prime movers of the illicit drug business.

7. Drug Couriers: Import illicit drugs from the producing countries to another country and then export those illicit drugs, employing various methods from Nigeria to other parts of the world, especially the consumer or user nations.

CHAPTER TWO

THE INSTRUMENTS OF CO-OPERATION BETWEEN THE UNITED NATIONS AND NIGERIA

2.01 Introduction

In this chapter, we want to examine what constitutes the instruments of co-operation between the United Nations and Nigeria towards the elimination of the drug trafficking of narcotic drugs and psychotropic substances.

2.02 Treaty and Conventions

Article 38 (1) of the statute of the International Court of Justice States that "treaties" and "conventions" are synonymous terms. In international law, treaty is regarded as conventional international law which invariably means that international law is based on conventions and it is that which legally creates relations through parties giving their consent thereto. However, in our contemporary world, treaty is the most important source of international law.

Therefore, a treaty is seen as an agreement which creates obligations that binds states or subjects of international law after negotiations have been made and concluded. In fact, according to Maryan Green, treaty is "an agreement between subjects of international law in written form and governed by international law". Treaties have various nomenclatures which are: Protocol, Declaration, Convention, Charter, Covenant, accord, arrangement, understanding, compromise, regulation, provision, pact, statutes, act, etcetera (Ilingorani, 1993: Umozurike, 1995). Treaties are further classified into four categories which are: Universal, general, multilateral and bilateral.

Universal treaties are those agreements which are binding on all states in the international community. "Practically, there are hardly any such treaties which may be binding on states, although four General conventions of 1949 on protection of war victims and Vienna convention on Diplomatic Relations of 1961 may be considered as near universal treaties". (Hingorani, Ibid). General treaties are those treaties which bind almost all the states in the world. Examples of such treaties are the conventions on consular relations of 1963, and that of the agreements of 1961. Bilateral treaties bind two states while multilateral treaties bind more than two states. The recurrence of the provisions of bilateral treaties may lead to customary international law especially when it comes to extradition matters whose interpretation and application must be made by municipal courts. Example is that of treaties concluded among European states during the nineteenth century derived from the rules permitting extradition of individuals to their home states demanding such extradition (Muhammad, H. 1996/97, p.2).

In fostering international relations or enhancing international co-operation among states, treaties have been instrumental in achieving such objective which would reflect in the development of international economic and social factors towards solving problems of political nature. Doubts have been cleared in certain times and common understanding have been ensured among parties while agreeing and co-operating on specifically, economic and social issues of common and mutual interests and co-ordinating strategies towards solving problems plaguing mankind such as illicit drug traffic and use. A treaty "may supplement, modify or override obligations derived from customary law. Treaties have proliferated as evidenced in the large number of treaties registered with the United Nations. They diminish the importance of customary laws" (Umozurike, Opcit. p.17). Large number of treaties are currently in force as

international legislations such as the declarations of 1899 and 1907 on the law of war and neutrality, the single Narcotic drug convention of 1961 which replaced the previous treaties concluded before the second world war, calling for collective responsibility and willingness of states in punishing offenses related to illicit drug trafficking which was signed at New York (Muhammed, H. Opcit, p.6; Everyone's United Nations, 1986, p.264; Starke, J. G. 1984, p.42). Within a period of half a century, that is between 1864-1914, 254 treaties have already been concluded, further showing the importance of law making treaties in modern times. (Starke, J. G. Ibid).

In a treaty, only parties that have sovereign status can enter into and conclude treaties even in the fullest degree. However, a state may decide to voluntarily deprive herself of the right to make treaties in the future on certain matters. Again, it is expected of states to satisfy themselves of the international capacity of the other subjects of international law. States ought not to downplay a party's capacity from the negotiation stage to the concluding stage of a treaty as a reason for themselves not applying its terms. (Maryan, G. Opcit, p.164). Without gainsaying, agreements between states are to be respected. Furthermore, there are states that cannot enter into treaty arrangements. They are colonies, trust territories or federated states. It is the metropolitan states or protectorates that can enter into and conclude treaties and conduct foreign relations in their behalf. But in the case of federated states, they may go into treaties and conduct foreign relations in some cases and certain categories, although this does not give them independent status. An example is the federated republic of Germany and Cantons of Switzerland (Hingorani Opcit. p.208). States with neutral status such as Sweden can enter into treaties. Also, the Vatican city has the full capacity to enter and conclude treaties. Her form of

treaty arrangement is called concordat.

Apart from sovereign states entering into treaties, United Nations Organizations and her specialized agencies have the capacity to enter into treaty pacts and conclusions, even with member states so as to effectively carry out their functions, further heightening the tempo of their activities, so that the the solution of the global problem such as illicit drug trafficking would be realized. To solve the world's problem, Article 43 of the charter authorizes the United Nations to enter into negotiations with states for a full commitment of military contingents as mandated by charter VIII. United Nations agencies such as UNESCO, WHO, ILO, world Bank have the capacity to enter into agreementS in order to discharge their function effectively (Ibid. p.209).

In the formation or creation of treaty as an international instrument, various stages are involved. The first stage is that of negotiation involving the negotiating states. The stage is not yet an international instrument but is regarded as a draft. Negotiation involves pleni- potentiaries, Heads of state, Government or foreign ministers. If negotiation is taking place between Heads of state, Government or between foreign ministers, a full right of negotiations and conclusion of agreement is accorded them by virtue of their office. But in the case of representatives, they do not have the inherent capacity to negotiate or conclude agreements but are issued with letter of authority called "full powers". But before negotiation begins, they are scrutinised. (Maryan, G. Opcit. Hingorani, Ibid). The next stage is the adoption of the text by the negotiating parties (article 9(i) of the Vienna convention). If adoption is taking place in an international conference, then a two-thirds majority of the states present is required, (Article 9(2). If it is within an international organization, then the majority laid down in the rules of that particular organization must be implemented, otherwise unanimously. Authentication of the text of the treaty is another

stage which is a formal act showing signature and initialling by the representatives of the negotiating states. In short, authentication expresses acceptance of the accuracy of the written treaty text. Lastly, while errors are discovered in the text by formal rectification at this stage, the treaty is then concluded but it does not mean that the treaty has entered into force. Only that a new international instrument has come into existence (Maryan, G. Ibid).

In this vein, there is always a relationship between the treaty and a state. Such relationship is manifested where at the conclusion of the treaty, the state declares its consent to be bound by the treaty agreement. This expression may be done either before or after the treaty has entered into force. If a State does express its consent before the treaty enters into force, she is called a contracting state but if after the treaty, she becomes a "party" to that treaty. A state that is not party to the treaty is called a "third state" (Ibid pp.184 - 5).

Furthermore, there are three ways a state can express her consent to be bound by a treaty. (Article 11 of the Vienna Convention).

1. **Signature:** This is a state's way of expressing consent to be bound by a treaty in a negotiation if the treaty itself so specifies or provides that signature can have that effect. This is normally established by a state's representative who has been accorded "full powers". However, if ratification has been provided as to prevail on signature, then the treaty and the full powers of the representative are made subject to ratification. Signature at this stage is an intermediate stage, which has no legal validity because it has not been reciprocally ratified by states, yet it should not be seen as a scrap of paper because it is an agreement that has received the solemn signature of states subject to ratification. Here, states are obliged not to jeopardize the interests of the other subjects and the purpose of the treaty, before and after ratification of

the treaty (Ibid p.168; Hingorani, Ibid pp.212-3).

2. Ratification: This is when a state expresses its willingness or approval to be bound by a treaty through its representative or agent who has been given full powers or authority by his or her state. Ratification binds a state of a treaty "unless it is a multilateral treaty in which it becomes binding on it when it has been ratified by a requisite number of states under the treaty" (Hingorani, Ibid). Ratification has no fixed time but if it is a bilateral treaty or Tripartite agreement, states are expected not to waste time but in multilateral treaties, ratification may take years. The interval between signature and ratification offers a state an opportunity to be sure that their agent has carefully met the constitutional requirements regarding the implementation of the treaty in conformity with their national laws before ratifying the international obligations. While the state representative(s) still has the time to think about the pros and cons of the effects the treaty may have on the state, it is also another period for the state to use and ascertain or watch the reaction of the citizenry. The reaction of the public will either make the Government ratify a treaty or otherwise. However, even when unfavorable criticism is hurled at the state from the public against the ratification of a treaty, the Government may go on to ratify not minding the adverse reaction of the public (Ibid).

3. Accession and Adhesion : This is an act of acceptance of treaty which binds a state which for one reason or another do not qualify to become party to a treaty either by signature or ratification, or had not signed the treaty earlier. Accession has the combined function of signature and ratification. Ratification can however be differentiated from accession in that while a state has signed and ratified a treaty, a state that was absent at the signing and conclusion of

a treaty accedes. Accession may be permitted if the treaty so provides and it is mostly evident of multilateral treaties. A treaty may specify what category of states that could accede or which signatories or ratifiers of the treaty have to consent thereto. All it takes to accede to the treaty must be duly communicated to the parties of the treaty. "Once the accession has been validly done, the acceding state is at par with the ratifying state". (Ibid p. 215).

In the light of these, the creation of treaty laws must be well defined and channelled, with states pledging to become parties to such treaties, honoring and faithfully complying with their spelt out terms. In so doing, a high degree of surety and formidable base will characterize the smooth conduct of international relations that will emanate therefrom. Then will the social, economic and humanitarian problems plaguing Nigeria specifically and mankind in general be mitigated especially in the area of illicit drug trafficking and use.

With Article 56 in mind, obliging Nigeria to launch a joint battle in co-operation with the UN, and to hammer out the purposes set forth in Article 55 which states that "the UN shall promote higher standards of living, full employment, and conditions of economic and social progress and development" (Muhammad, H. Opcit. p.88), we shall look into the three recent conventions and one protocol amending one of the conventions adopted to fight the drug menace, which are:

a. the single convention of Narcotic Drugs of 1961
b. the convention on psychotropic substances of 1971
c. the 1972 protocol amending the single convention of 1961 and
d. the UN convention against illicit traffic in narcotic drugs and psychotropic substances of 1988.

2.03 The Single Convention on Narcotic Drugs of 1961

The existence of so many conventions, protocols and agreements regarding the international control of narcotic drugs led to the codification of all multilateral and bilateral agreements and conventions on the control of narcotic drugs under the aegis of the League of Nations and then the United Nations into one treaty, because they had become harpharzard in focus. In making a major step towards achieving that objective of codification, the ECOSOC of the UN adopted Resolution 689J (XXVI) on the 28th of July, 1958. The birth of the single convention on Narcotic Drugs in 1961 further fulfilled that objective.

Beginning with the new task, the convention replaced the permanent Central Board and Drug supervisory Board of previous arrangements with the commission on Narcotic Drugs which eventually became one of the Commissions of ECOSOC of the UN. The commission along with INCB were entrusted with International Control of drugs. The commission is *inter alia*, empowered to amend the schedules in which drugs are categorized and suggest ways in which aims and provisions of the conventions should be implemented. Therefore, Nigeria most specifically is obliged to establish or set up special administration in order to meaningfully co-ordinate drug control activities and make reports on the workings of the treaty, notify states through the Secretary General of the UN, of laws and regulations passed to be implemented at her national jurisdiction. The convention also retains the estimates system which was earlier introduced in the 1931 convention. It also prescribes the confiscation of objects or equipment used for committing illicit drug trafficking (Emafo, Philip, 1990, p.67; Oye, Chukwurah, 1990, p.97; Yemi Osinbajo, 1990; pp.227-233).

Another unique innovation of the single convention is the introduction of penal measures

towards the cultivation of narcotic plants such as poppies, cannabis and coca plants which served as raw materials for the illicit production, trade and use of narcotic drugs. A functional control system was established by the United Nations mandating states parties to limit production of narcotic plants exclusively to a limited amount for medical and scientific purposes, although the 1931 convention had had this provision.

Again, it was intended that farmers of opium production would be strictly monitored in order to further prevent the diversion of the agricultural crops in the distribution chain system.

By implication therefore, the success of the 1961 international convention or treaty obligations especially against the cultivation of cannabis sativa (Marijuana) in the case of Nigeria, rest on her willingness to properly design or redesign her national policies and control measures so that the instruments or the provisions created could be successfully implemented.

Furthermore, opium production was, as at the time 1961 convention was born, a global social and humanitarian plague needing an active solution aimed at maintaining peace which the classical functionalists strive to bring to focus. India for example adopted an excellent regulatory and practical system aimed at frustrating narcotic agricultural activity. This was evident in the granting of licensing rights to farmers, government's monitoring on the farmers and making the buying and processing of the narcotic crops, and storage, a monopoly of the state. This later came to serve as a model for International treaty provisions (Bayer, I. 1983 p.6). This under current reason for India's strict measures could possibly be attributed to the tendency for errant farmers linking up with illicit drug dealers or barons who own clandestine laboratories for illegal processing of opium, and then out of profit motive, transport the dangerous products to vulnerable consumers or addicts, further causing enormous pain and suffering in both the

economic and social sphere of states. India's action also prevented the maximum possibility of diversion of controlled substances. For Nigeria, the total eradication of the cultivation, processing, trafficking and illicit use of marijuana has been tackled through the initiation of the "operation burn the weeds" programme so as to make the 1961 convention against the agricultural activity of that narcotic plant work. Contrariwise, if there is lack of national basis or control for the rigorous implementation of the 1961 single convention on Narcotic drugs, it could defeat the goals set forth at its birth, thus preventing the development of social, economic, humanitarian progress and peace and security for the human family.

2.04 The 1971 Convention on Psychotropic Substances

This convention for the first time adopted an effort to control the illicit use of drugs not covered by the previous treaties. The convention for the first time extended international legal control to legally manufactured psychoactive drugs which were diverted and further constituting a major source of supply for illicit traffic, coupled with their growing harmful effects. Thus, Governments and the international community in preventing such diversion of psychoactive substances from legal channels to illicit ones developed control measures by adopting the convention on psychotropic substances of 1971. The convention defines psychotropic substances as any substance, natural or synthetic or any natural materials specified in schedules I, II, III and IV, which are dangerous and mind-altering drugs. That is, the substance has the capacity of exerting on the brain, the effects of sedation, hypnosis, stimulation, change in mood or behavior after ingestion or illicit use. Such drugs are hallucinogenic speed drugs (LSD, Mescaline and phencyclidine); stimulant such as cocaine, Amphetamine compound) including special diet pills,

tranquilizers of the central neuro system (CNS), Barbiturates and non Barbiturates).

Education, early identification, treatment, rehabilitation and social reintegration of the illicit drug user as important preventive measures against illicit use are introduced in the convention. Advertisement of products of drugs under international control are prohibited and parties are enjoined to prohibit or restrict import or export of drugs under international control. (Iyamabo, J.A. 1990, p.2; Bayer, I. Opcit; Emafo, Philip. Opcit. p. 68).

However, the question of the expression of what psychotropic substances mean in their differing interpretations or the scope of drugs having either lower or higher concentration of psychoactive properties, the level of risks resulting from their illicit use, their addictive properties and potency and their widely therapeutic values, prompted the plenipotentiary conference, held in Vienna from January 11th to February 21st 1971, under the auspices of the United Nations to resolve these problems or discrepancies. The conference therefore categorized the control measures into four schedules, which were then annexed and states parties to the convention were mandated to strictly adhere to the restrictions provided in the schedules. These schedules are: Schedules I, II, III and IV substances of the 1971 convention.

SCHEDULE I OF THE 1971 CONVENTION

This schedule includes those substances which are highly prohibited because they are mainly hallucinogens such as LSD, PCP, "Mescaline, which is the active principle of the peyotl (Peyote) plant-psilocybine and psilocine which are the active principles of hallucinogenic mushroom psilocybe mexicana, DMT and DET which are abbreviations for dimethyltruptamine and diethytruptamine, respectively STP (serenity, tranquility, peace) which designate a synthetic

compound produced in under ground laboratories and THC or tetrahydocannabinol, one in the active principle of cannabis" (Oye, Chukwurah, opcit, p.88).

Their limited legitimate use, demand and manufacture are encouraged but under highly restricted and monitored regulation, solely for scientific and medical purposes and it is those who are in the medical and scientific circles that are duly authorized and licensed to carry out such government regulated and supervised task.

The indiscriminate exportation and importation of the substances under schedule I are prohibited by the UN except in specific procedures duly followed by exporters and importers. However, the provision in this schedule can be frustrated by drug barons who in their desperate moves to make huge profits, illicitly manufacture and perpetuate the traffic and demand from their state-of-the-art clandestine laboratories with huge workforce of 'well paid' chemists and traffickers. Thus, harm is inflicted on the economy and social structure of particularly Nigeria, by the illicit trafficking of these controlled drugs which are exacerbated in the form of inflation of private consumption and the distortion of the production cycle. So, the negative effects on the social structure are pain and suffering inflicted on the individual and the society at large. Functionalism therefore advocates the proper or redesigning of the development of international economic and social factors meant to raise up a standard against the sophisticated, interaction and interreliance of drug trafficking organizations that are constantly upgrading their methods of counteracting the law enforcement of Nigeria and even the international community. By this, possible conflicts would be averted.

SCHEDULE II OF THE 1971 CONVENTION

This schedule covers psychotropic (Stimulant) substances such as Amphetamines and methaqualone which fall under a chemical group that stimulate the CNS.

In the case of Amphetamines, it has been argued that its large scale illicit traffic is mostly supplied from clandestine laboratories, manufactured by chemists under the employ of drug barons. Again, a pharmaceutical preparation containing amphetamine could be diverted and then trafficked especially in international transactions and delivery. (Bayer, I. opcit). There are reasons Bayer puts forward for this possibility:

a. Most countries that manufacture these set of psychoactive drugs are not yet parties to the 1971 convention and compliance with the provision of the convention depend more on the willingness of pharmaceutical manufacturers than on Governmental control in those countries;

b. Some governments and manufacturers or exporters are not aware of or familiar with the provision of the relatively 1971 convention; some countries do not have necessary control measures on compound pharmaceutical preparations containing schedule II substance;

c. Absence of control measures or lag in policies on imported pharmaceutical products in some developing countries which further facilitates the introduction of compounded preparations without control, which may not be noticed by the appropriate authorities (Ibid).

Deductively, cases of diversion could be curbed at least to the barest minimum if Nigeria takes serious her treaty obligations, affirming her willingness and intensifying her campaign against the global menace in compliance with the requirement of the CND. Again, the spirit of

participation in treaty obligations, if well followed by Nigeria in relation to the submission of estimates and statistical reports, so that the United Nations could monitor the former's functioning of the export and import authorization, cases of diversion would be stemmed. The 1971 convention mandates states like Nigeria to adopt appropriate legislative measures in the area of prescription of drugs and other psychotropic substances to patients subject to sound medical practices and regulations. Nevertheless, Bayer observes that the use of amphetamine for therapeutic purpose is dwindling, although it could be largely supplied from clandestine laboratories.

The authors of the 1971 convention perceived that the illicit use of methaqualone and other preparations containing methaqualone and diphenhydramine which was placed under the control of schedule IV posed a great danger to its users in some countries, mostly in diversion cases during international transactions and delivery which further led to illicit traffic. Since schedule IV could not control its diversion, the CND transferred methaqualone from that schedule to that of II in 1976. This was because article 2 of the 1971 convention contains a provision that empowers the CND to either add a substance to one schedule to another, should a party send or WHO receive an information concerning the diversion of a substance. (Ibid p. 12).

SCHEDULES III AND IV OF THE 1971 CONVENTION

These schedules cover pharmaceutical products which are Depressants and are in the form of hypnotics and sedatives, belonging to the group of barbiturates, and are often used jointly with other substances like heroin, alcohol or stimulants. That of Tranquilizers which fall under schedule IV, is used to eliminate anxiety and nervousness which could be placed in the class of

depressants, requiring strict control against its illicit use (Oye, C.A. opcit). They are characterized by their large scale production by licensed pharmaceutical firms, subject to prescription mostly in industrialized countries and, their consumption is controlled because of the precariousness that is associated with their illicit use and perpetual dependency, especially when ingested with alcohol. Once more, the drugs under these schedules are highly consumed than any other drugs in the other schedules, widely traded in international and national transactions and they constitute the ingredient of many pharmaceutical preparations, including combination products (Bayer, I. opcit). In the light of this, we are inclined to believe that the illicit traffic in these drugs is possible and Nigeria rife with its devastating effects, associated with their illicit use.

On a wider scale, such drugs apart from their illicit traffic, have found their way into the developing nations because of the tendency for the producers to enlarge their markets, dump such dangerous drugs in order to recover the cost of producing such psychotropics not relevant to the third world countries (Maduagwu, M.O. et al 1995.p.51). We could infer here that no other reason would warrant the dumping of dangerous psychotropics in the developing countries than that, the latter's health systems and services, pharmacy regulatory laws are weak, undeveloped and not well designed, and so, a vigorous confrontation of the illicit traffic in drugs is far fetched, and there is the need to review their control measures and policies, coupled with sincere commitment in the implementation of anti-drug trafficking laws. Regrettably, the authors of schedules III and IV of the international drug convention of 1971 never pondered that some subjects of this international drug treaty law would barely realize their obligations fully or objectively bring about economic and social solutions by building up and consolidating measures

that would act as a buffer against the growing drug bugbear. Much emphasis on states' control measures on the diversion and illicit traffic on the psychotropic substances ought to prevail on mere keeping watch on the monitoring and control of international transactions (Ibid).

To this end, the tendency of Western manufacturers dumping irrelevant and dangerous psychotropic drugs in the weaker nations would be checked. In other words, the purpose of universal application of the provisions of the international instruments on the prevention and repression of illicit drug trade would be realized once a solution to the drug threat falls in place.

In the view of the structuralists, international treaty laws are created to ignore the needs of the weak nations, not taking cognizance of their peculiar problems, more so, as they were not designers nor participated in drafting most of the drug treaty laws to which they are parties as newly independent states with the stronger actors protecting their own interests. When Mitrany asserted that the problem of our contemporary world is not how to keep the nations peacefully apart but to encourage the mutual and equal participation of states, in order to solve the economic, social problems and eliminate war, he meant that there should be no imbalance or a gulf precipitated by motives and tendencies, suggesting exploitation and protected self or national interests, in the inter play of nations in issue areas in the global arena. In relation to this, Article 21, paragraphs (b), (c) and (d) of the 1971 convention on psychotropics mandates states not only to co-operate with each other but with relevant international organizations and agencies of the UNO which are competent enough to stem the flow of the trade leading further to illicit use. Again, to further help states in carrying out their obligation towards keeping a tight rein on the diversion and traffic of compounds under schedule III and IV, Article 16, paragraph 3, sub paragraphs (a), (b), (c) and (d) stipulates that parties report to the secretary general in case of

important areas suspected to be related to drug traffic. Furthermore, as a matter of urgency, states must, as mandated in sub-paragraphs (a), (b), (c) and (d) of the same Article 16, paragraph 3

(a) disclose new trends of the suspected illicit traffic issue

(b) disclose the quantities involved

(c) throw light on the sources from which the substances are obtained and

(d) the method employed by illicit traffickers

In the light of this analysis, we can deduce that Nigeria which is our scope needs to make schedules III and IV of the 1971 convention work by strengthening her pharmacy regulatory laws, properly develop her designed anti-drug trafficking laws and policies and be committed to their effective implementation in compliance with the United Nations mandate. This would facilitate the checking of unwarranted importation and use of psychotropic substances and illicit traffic in narcotic drugs.

Lastly, following those psychotropic substances not covered by the international control system, and in making effort to control their diversion, Article 13 of the 1971 convention, noting the growing number of manufacturers and exporters of pharmaceutical products from the industrialized nations and exporting countries not bound by the 1971 convention, or not in a position to monitor every shipment of pharmaceutical products, empowers importing countries to notify exporting countries specifically, what psychotropic substance it prohibits and restricts its importation. The exporting countries so informed or notified are strictly implored to adhere to the former's notification. By so doing, their being on friction wheels would be averted. Again, developing nations whose control services are not yet developed in which they cannot step

up a buffer against every shipment of imported pharmaceutical products, would be protected.

This, Article 13 saw as a realistic approach towards the timely control of psychotropic substances in the diversion and illicit traffic.

2.05 The 1972 Protocol Amending the Single Convention on Narcotic Drugs of 1961

This protocol was adopted by a plenipotentiary conference in Geneva from 6th to 25th March, 1972 which is a supplementary instrument amending the 1961 single convention. It sees the need to eradicate the illicit drug traffic in narcotic drugs and its illicit use through:

(a) the consolidation of the international control machinery that will help or boost it to expose and check the excess cultivation and illicit cultivation of the opium poppy as well as the illicit production, manufacture and trafficking in narcotic drugs;

(b) the extension of the provision of existing bilateral treaties on extradition and ensuring that those guilty of narcotic offenses will find no safe haven from prosecution in any part of the world;

(c) the establishment of guidelines in avoiding illicit use and treatment of drug addicts. In this vein, member states are obliged to grant technical and financial assistance among themselves for an effective enforcement of the provisions of the single convention of 1961. It also encourages regional co-operation through the establishment of multilateral agreement which would create regional centers for scientific research and education in order to grapple with the problems emanating from the illicit use of and traffic in drugs.(Oye, C.A Opcit p.97; Emafo, p. opcit p 68).

2.06 The United Nations Conventions Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988

The adoption of the 1988 convention marks the first decisive step towards mobilizing member states in the international community to combat the illicit drug trafficking menace. Being the most current convention which aims at solving the drug problem, it has been regarded by states as a comprehensive international instrument in that, the convention incorporates, reinforces and supplements the measures in the other three drug treaties. Again, the treaty addresses various problems not envisaged in the existing treaties (Osinbajo, Y. Opcit p. 227). The preamble of the 1988 convention strongly considers illicit traffic in narcotics and psychotropic substances, as an international criminal activity that needs to be given 'urgent attention and highest priority'.

Most of the drugs the 1988 convention regards as being trafficked are classified into four basic groups in relation to their intrinsic pharmacological potencies and therefore states are mandated to adopt control measures without delay and further place the affected drugs in the category of imports under license which are to be issued by their respective Ministries of Health. These drugs are:

a. Stimulants - e.g Cocaine, Amphetamine etcetera

b. Narcotics - e.g morphine, heroin etcetera

c. Sedatives and Depressants - Barbiturates, Methaqualone (madrax tablets, valium)

d. Psychotogens and hallucinogens - e.g. LSD, Cannabis etcetera (Akagbosu, C.T. 1995, pp. 1-2).

In clearer terms, the convention aims to mobilize and co-ordinate global efforts towards the eradication of the illicit drug trade. Thus, provisions spelling out the offenses of the illicit

drug trade, jurisdiction over offenses (Article 4) and punishment are contained therein. Just as the collective responsibility of all states is encouraged, states are also obliged to fight the menace within the framework of international co-operation. The preamble also refers to the act of illicit drug traffic in narcotics and psychotropic substances as having generated huge amounts of capital and wealth for international criminal organizations, who organize and structure their activity to function efficiently within national economies, even at the international level and then integrating their profit into the legal economy and corrupting the structures of the Governments. The use of children in many parts of the world in the illicit drug trade, and cultivation or production is discouraged. Article 2 also calls upon states to co-operate with one another, at the same time respect one another's sovereign status and integrity while detecting the criminal activity, and enhance the enforcement of drug laws among member states of the United Nations. (Oye, C. Opcit. p.100; Maduagwu, et al 1995. p. 50).

Drug offenses are criminalised with sanctions attached to them as provided in Article 3 of the 1988 convention enabling the investigation of money laundering, which Article 32 (2) (b) of the single convention of the 1961 and Article 22(2) (b) of the 1972 convention see as extraditable. By this, extradition and other cooperative procedures in penalizing such offenders would be facilitated which possibly could be done through entering into and concluding bilateral and multilateral agreements to enhance its effectiveness.

The scope of seizure and confiscation are widened to include the confiscation and forfeiture of proceeds such as collateral assets-equipment and materials deliberately used or intended to be used which are derived from offenses or proceeds of money laundering (Article 13). Production, manufacture, extraction, preparation, offering for sale, distribution, sale, delivery

on any terms, are also the offenses criminalised which were earlier included in the 1961 single convention on Narcotic Drugs (as amended).

The convention spells out the training of personnels for treatment, rehabilitation and social integration of illicit users of psychotropic substances which aims to eliminate the drug menace. It calls for international co-operation so that transit states especially the developing ones could be assisted through the development of technical co-operation and interdiction efforts and strategies. Financial assistance are also required of states parties which are to be channeled through competent international and regional organizations within the ambit of the treaty provisions so that the infrastructure needed for such an effective control and prevention of the illicit traffic could be augmented and strengthened (Osinbajo, Y. opcit. pp. 237-8).

Diversion or the use of substances used in the illicit manufacture of Narcotic Drugs psychotropic substances (Article 12), measures to eradicate illicit cultivation of narcotic plants and stem the illicit demand for narcotic Drugs and psychotropic substances (Article 14), measures to prevent the use of commercial carriers, and vehicles in perpetuating the illicit traffic offenses (Article 15), the proper labelling of exports of narcotic drugs and psychotropic substances as earlier spelt out in schedules of 1961 and 1971 convention (Article 16) are expected of states. In addition, arrangements are made to prevent the illicit traffic of drugs by sea (Article 17), the vigorous supervision and suppression of illicit traffic in narcotic drugs and psychotropic substances in free trade zones and free ports as required in article 12 (3) (a) of the convention of 1971 in schedules I and II article 31(2) of 1961 convention (as amended), and (article 18) of 1988 convention, the prohibition of mailing consignments of illicit drugs and psychotropic substances to a post office (article 19) and information to be furnished by parties to INCB are

demanded of parties (article 20). Along this line, the INCB may decide to improve on the convention depending on the deliberations on information that has been given to it by the commission and other agencies of the United Nations. (Emafo, p. opcit p.69; Oye, C.A. opcit, p. 100; Osinbajo, Y. Ibid. p.238).

In pursuing the 1988 convention, the aim is meant to accomplish the underlying philosophy of the classical functionalists, and that is, the application of the welfare approach in the international sphere which would then manifest into social economic and humanitarian benefits. The social policy embedded in the 1988 convention recognizes that the narcotic drugs and the psychotropic substances are to be under strict regulation and monitoring, yet these drugs have to be adequately provided and made available for only medical (for the relief of pain and suffering) and scientific purposes, so that the adverse effect associated with the illicit use of those controlled drugs and substances could be mitigated. To this end therefore, this herculean task is only feasible if Nigeria especially would swoop into a well co-ordinated and joint action with the United Nations, in the spirit of the convention so as to maintain health and security where her citizens and even the rest of mankind would savour human dignity and the good life with relish, after the illicit drug traffic phenomenon has been eliminated. Again, Nigeria must acknowledge the competence of the United Nations and drug control related organs and agencies such as the UNDCP, strive to co-operate with them in order to stamp out the drug menace through entering into and concluding the international agreements provided by the UN to fight the menace.

2.07 Level of Participation Expected of Nigeria by the UN in the Area of Illicit Drug Traffic Eradication

Once a statement of the law contained in the treaty is accepted by Nigeria and she pledges to align her will and practice to it, because she knows beyond doubt that the law is what it ought to be, giving her warrant to adhere to its obligation since it is an instrument or a firm base on which to formalize co-operation with the UN and other states parties and executing it, then it becomes what the law becomes. Nigeria must deem it expedient to see that the observance of the statement of the law or the provisions are affirmed. The rule of *pacta sunt servanda* should be the rule. This rule itself predates international law and exerts its weight on all agreements made within the framework of the legal system and this is the basis of treaty laws. As a treaty enters into force, it must be performed in good faith as she becomes bound to it. Nigeria may not in particular justify herself for not observing the provisions of the treaty by referring to any existing impediments in the municipal law or legal system. Again, entering into and concluding an unwritten agreement keeps a state bound by it under international law by virtue of *pacta sunt servanda*. This is because, the capacity to enter into oral and other formal agreement is an exercise of state sovereignty in which an intention to enter into a legal relationship was expressed. Thus, Article 6 of the UN charter defines this mandate clearly when it states that every sovereign has the fullest capacity to enter and conclude treaties and if the state expresses its consent to be bound by the treaty (Maryan, G. Opcit).

So, Nigeria is expected to obey the spirit and not the letter of the international drug treaty laws, especially that of 1988 which furnishes the legal basis, on which the present international Drug Control system stands. However, the workings and effectiveness of the international Drug

Control System depends on how Nigeria conceives of her jurisdiction. Once for example, a shipment of drugs has passed her national frontier, the question of jurisdiction and the severity of punishment commensurate with a drug crime arises, coupled with the fact that her social custom differs from other States. Nevertheless, these problems thin out if the real meaning or purpose underlying the treaty is followed out when Nigeria adopts appropriate legislation, introduces necessary administrative or special agency to enforce the legislative measures (preventive and repressive actions) and ensure rapid co-operation with the UN and her established and competent international drug control organs and agencies. In a clear term, the spirit and intentions must be enshrined in the country's domestic law which must be vigorously implemented so as to regulate drug cultivation, production, manufacture, trade and use. With this effort, it is evident that Nigeria has accepted the legal obligations to abide by the treaty obligations. (Akagbosu, C.T. opcit. The United Nations Drug Abuse Control, 1992. pp. 53-4).

Furthermore, the spirit of the convention is expected to burn or set aglow within the heart of Nigeria through her adopting and enforcing strict laws and regulations that will dovetail into the UN drug treaty provisions, so that drug traffickers and barons will find no safe haven in her territory to hide. Should reverse be the case, they would take advantage of her lax controls and existence of impoverishment, corruption, etcetera would eventually set into the society, thus defeating the spirit behind the international instruments against illicit drug trafficking and use.

So, for Nigeria to fully participate in the comity of nations and entrench social, economic, humanitarian and technical advancement (as the functionalists believe) for both her citizens and the rest of mankind, she needs to consider and ponder that she is bound by the obligations of the

conventions.' In this case, strategies must be adopted and efforts made in relation to the prevailing conditions and circumstances at her level of jurisdiction and then at the global milieu. Lastly, she is expected not to be a deviating party but to operationalise the drug conventions at achieving the desired goals.

2.08 What Awaits Nigeria If There Is Inadequate Level of Participation

If Nigeria is interested in the global campaign against the illicit traffic in narcotics and psychotropic substances, she must bear in mind that she has to have a focus, looking at the scope of the drug problem both at home and abroad, working towards the set target, performing the task and realizing the expected result.

Should she as a party to the conventions deviate from the established rule because she sees the obligations as now conflicting with her interests, she will be guilty of cheating, gross misconduct, threatening the progress and integrity of the treaty and undermining international co-operation. This misbehavior would therefore attract adverse reaction and atmosphere from within the international community, even if the state of Nigeria inclines to select and reject some parts of the treaty especially in a case where as a developing nation, she overtly or covertly allows drug barons to invest their huge profits into her economy. It will really take sincere commitment and staunch willingness for Nigeria to vigorously implement money laundering countermeasures - seizures and confiscation of proceeds derived from drug trafficking.

In addition, INCB which evaluates and supervises the implementation of drug control treaties in states, draws the attention of Governments to remedial measures, should the state party breach the treaty provisions. To this end, INCB may call on the attention of states parties,

ECOSOC and CND if Nigeria violates any of the drug treaty laws.

Lastly, sanctions and threats may be used against her by more powerful states parties.

All the collaborative efforts of the United Nations and Nigeria at eradication illicit drug trafficking and use are geared towards favoring a bottom-up evolutionary approach and achieving a harmonious international co-operation for the eradication of the drug phenomenon. To this end, respect for obligations of drug treaty laws must be maintained. This would automatically lead to higher levels of co-operation, thus preserving and promoting peace, social and economic welfare and development. This is a message from the classical functionalists.

2.09 Summary

Here, we critically looked into the instruments of co-operation between the UN and Nigeria. We discovered that for effective and total war on drug trafficking, both the UN and Nigeria should vehemently maintain the convention of the drug treaties which both parties willingly pledged to enter into.

We realized that treaties and conventions are synonymous. Under them, terms and concepts like signature, ratification, accession and adhesion were looked into.

Furthermore, we saw the treaties or conventions and protocol ranging from 1961-1988 which the UN together with States parties have entered into, as regards to the eradication of illicit drug trafficking.

Finally, from this chapter, we realized that the lack of treaties or conventions between the UN and Nigeria would not be responsible for illicit drug trafficking, but lack of sincere and effective co-operation between the UN and Nigeria.

Shortly after her admission into the United Nations Organizations, Nigeria's cooperation with the former blossomed into some crucial areas and later extended to the fight against illicit drug trafficking. This issue and more would be looked at in the next chapter.

CHAPTER THREE

NIGERIA-UN RELATIONS IN HISTORICAL PERSPECTIVE

3.01 Introduction

In the immediate previous chapter, we examined what constitute the instruments of cooperation between the United Nations and Nigeria towards the eradication of the illicit trafficking of Narcotic drugs and psychotropic substances.

In this chapter, we would dig into the background of some of the activities of Nigeria at the United Nations so as to project a picture of what her relations with the United Nations has been like since independence.

It also tries to furnish us with a general overview of the beginning of international co-operation in the field of drug control and that of Nigeria's involvement in illicit drug control. We would also briefly look at the need for Nigeria to co-operate with the UN agencies so as to eradicate the drug problem on her territory.

3.02 The Nigeria - UN Relations in Historical Perspective

The cooperation between the United Nations and Nigeria did not begin with the anti-drug trafficking issue of the 1980s but can be traced back to 1960 after Nigeria became an independent Nation. The United Nations which put into force its charter on October 24th, 1945, had pledged to maintain international peace and security, promote the development of international co-operation in solving global problems of economic, social, cultural and

humanitarian nature along with the harmonization of state actions in the attainment of these goals (Olusanya, G. O. et al, 1986, p.71).

Though Nigeria was not present at the creation or inception of the United Nations in 1945, she was admitted into it as the 99th member on the 7th October, 1960. The charter which was signed on June 26th, 1945, was seen as representing the interest of all states and as giving meaning to their sense of belonging to the United Nations.

The charter contains one hundred and eleven Articles and provides for six principal Organs namely; General Assembly, security council, ECOSOC, ICJ, Trusteeship council and the secretariat as well as subsidiary organs and numerous agencies all of which are supposed to work at problem issues or areas affecting mankind. Within this framework, Nigeria had her foreign policy interests structured, pursued and achieved within a span of time by each successful regime. Nigeria had always been committed primarily to peace and security so as to ensure her survival as a nation. There has been this commitment to economic and social well being through the encouragement of economic development as well as putting an end to colonialism, racial discrimination and apartheid which among others were threats to her national interests.

Within the framework of the UN declaration of the autonomy of nations, their cooperation is demanded for peace settlement among nation states, thus Nigeria sent troops to Yugoslavia and Somalia between 1992 and 1993, championed the liberation of Namibia and Crumbling of apartheid in South Africa.

Nigeria's membership means that she is committed to the principles of international relations which advocate for the equality of states, the prohibition of the use of force and the protection of the basic human rights to which everyone, irrespective of race, creed, religion and

political ideological leanings are entitled to. Lastly, Nigeria's membership means that she desires to be a peace-loving nation and willing to carry out the obligations of the UN charter.

The cooperation between Nigeria and the United Nations has extended to the fight against illicit drug trafficking over the years. However, it would be necessary to look into the previous United Nations conventions adopted to fight illicit drug use and trafficking before Nigeria began to experience the drug menace and later, the emergence of the National Drug Law Enforcement Agency (NDLEA).

The United Nations and Nation States have been bent on reducing the illicit production, distribution, sale and traffic in drugs which have spread at an alarming rate since the 1980s.

International cooperation in the field of drug control started in 1909 when thirteen nations met at shanghai. This forum became known as the 'opium commission'. The meeting led to the signing of the first drug control treaty at the Hague in the Netherlands in 1912. "When this treaty entered into force on the 11th February, 1915, it became the first binding instrument of international law governing the shipment of narcotic drugs, which aimed at controlling the transport of drugs deemed necessary for medical use'". (The UN international Drug Control Programme, 1992. p. 64).

The first Assembly of the League of Nations convened in 1920 established an Advisory committee on traffic in opium and other narcotic drugs. It was to assist and advise the League on how to solve the opium problem. The League therefore, developed three main conventions: 1925, 1931 and the 1936 conventions. The 1925 convention was designed to oversee the statistical control system, which was introduced by the second international opium convention in 1925 and entered into force on the 25th September, 1928. Also a system was created whereby

import certificates were issued and export authorizations made in order to regulate the international trade in narcotic trade (Ibid). The 1931 convention was adopted in order to limit the manufacture and distribution of drugs to the amounts needed for medical and scientific use. This convention went into force on the 9th of July, 1933. A monitoring system was also established for drug supervision. The third convention was that of the 1936. The previous international laws before the 1936 convention did not offer sufficient provision to counter drug trafficking. But the 1936 convention was adopted to suppress the illicit traffic in dangerous drugs and it was the first convention to call for a stiff penalty against illicit drug traffickers. The convention finally came into force on the 26th of September, 1939.

In 1946, the functions of the League of Nations were transferred to the United Nations. Also, the functions of the League's Advisory committee were transferred to the United Nations Commission on Narcotic Drugs which was established in 1946 as a functional commission of the economic and social council.

The United Nations first or initial action against illicit drug control was the establishment of the 1946 protocol which was the instrument legally employed to transfer the drug control functions previously carried out by the League of Nations, to the United Nations. It came into force on the 10th of October, 1947. There was also the 1948 protocol controlling chemically man made drugs known to cause dependence and addiction and those of opium poppy, coca bush and cannabis. This protocol came into force in 1949.

The 1953 opium protocol stipulated tighter control on opium poppy. That is, to limit and regulate the cultivation of the poppy plant, its sale and consumption. This protocol was signed at New York and went into force on March 8th, 1963. This protocol also regulated the amount

of opium to be stocked for medical and scientific purposes by member states. However, seven countries were authorized to produce opium for export. They were Bulgaria, Greece, India, Iran, Turkey, the USSR and Yugoslavia. This protocol also gave powers to the international Narcotic control Board to supervise and enforce measures only with the consent of Governments.

The single convention on Narcotic Drugs of 1961 was a consolidation of most of the earlier international instruments. This particular convention went into force on the 13th December, 1964. The United Nations had three objectives while drafting this convention:

a. to codify all existing multilateral treaty laws in Drug Control,

b. to simplify and streamline the control machinery, and

c. to extend existing control system on the cultivation of plants that were grown as the raw materials of natural narcotic drugs.

A specific mandate was given to state parties to limit production of narcotic plants exclusively to the amount needed for medical and scientific purposes (Ibid. p.67). The convention was strengthened by another protocol in 1972. This has been regarded by the international community as a step made in the right direction, in the history of international control of narcotic drugs. The 1972 protocol came into force on the 8th of August, 1975. It called for more efforts in the prevention of illicit production of, traffic in and use of narcotic drugs. It also saw the need for nation states to provide adequate treatment and rehabilitation facilities for illicit drug users, and work closely with the UN Organs and specialized agencies to realize these treaty obligations.

Back in 1971, there was the convention on psychotropic substances which was established to subject psychotropic substances under international control because of their harmful effects.

It entered into force on the 16th August, 1976 which was further expanded to include stimulant and sedative drugs.

By the end of the 1970s, the illicit use of drugs and trafficking had increased in leaps and bounds. This, the UN witnessed and pledged to fight the drug menace at the global level. In 1981, an international Drug Abuse Control strategy was formulated, containing a five year (1982 - 1986) programme of action, encompassing all strategies of Drug Control. This "Master plan" approach also motivated the UN to ratify the previous treaties, incorporating the non-governmental organizations and stressing an increased co-operation among Nation States.

The 1984 declaration on the control of illicit Drug use and Drug trafficking declared illicit drug use and trafficking as international criminal activity needing urgent attention by the international community. The declaration saw Drug trafficking as an impediment on socio-economic development, security and interaction of states.

On the 14th of February 1986, the United Nations Commission on Narcotic Drugs adopted resolutions entitled "Guidance on the drafting of an international convention to combat drug trafficking". In paragraph 4 of that resolution, were fourteen elements which were circulated to members of the commission and other interested states on the 15th August, 1986. The fourteen elements were as follows:

a. Definition, as required for the purpose of the convention,

b. Identification, tracing, freezing and forfeiture of proceeds of drug trafficking,

c. Strengthening of the obligations concerning the extradition of drug offenders related to drug trafficking,

d. Measures to ensure that commercial carriers are not used to transport illicit narcotic drugs

and psychotropic substances,

e. Measures to monitor or control specific chemicals solvents and precursors used in the illegal processing or manufacture of controlled drugs,

f. Means of cooperation among countries particularly among law enforcement agencies, for the exchange of information as well as the establishment of joint communication links, training assistance and the exchange of expertise, including the posting of drug liaison officers as needed, taking into consideration the special problems of transit states,

g. Strengthening co-operation among countries to provide mutual legal and judicial assistance in cases relating to drug trafficking and promotion of mutual assistance in investigative and prosecutorial matters,

h. Controlled delivery,

i. Adequacy of sanctions for offenses relating to Drug trafficking,

j. Strengthening mutual co-operation among states in the suppression of illicit drug trafficking on the high seas,

k. Measures to curtail the illicit and uncontrolled cultivation of narcotic plants, including prevention, crop substitution and eradication,

l. Extension of controls in free trade zones and free ports,

m. Prevention of receipts, possession and transfer of equipment for the purposes of illegal manufacturing compounding or processing of narcotic drugs and psychotropic substances;

n. Prevention of the use of mails for the illegal transport of narcotic drugs and psychotropic substances (United Nations International Conference on Drug Abuse and illicit trafficking; 1987, p.3).

In 1987, the then secretary General of the United Nations, Javier Perez de Cuellar called for an International Conference on illicit Drug use and trafficking. He demanded the political will of nation states in combatting the drug problem at the global level. Consequently, the General Assembly Convened the first ministerial international conference on how to grapple with the increasing trend in illicit use and traffic in narcotics. An approach was therefore designed in order to reduce the supply and demand for illicit drugs and this approach was called "comprehensive multi-disciplinary outline of Future activities relevant to the problems of illicit Drug use and Trafficking".

The outline was divided into four chapters which had thirty five targets, defining the problems and suggesting ways of fighting the menace at the national, regional and international levels.

The first chapter calls for the prevention and reduction of illicit demand through research and development of enlightenment programmes geared at discouraging people indulging in the use and illicit trade in drugs. Chapter two advocates for the strengthening of the international drug control treaties so as to curb the illicit movement of psychotropic substances and elimination of illicit drug plant cultivation.

Chapter three highlights the suppression of illicit drug trafficking. National legislative bodies were called to institute penal measures for transport companies, so that drug traffickers do not use them to perpetuate their drug trade. It also discouraged money laundering, encouraged the confiscation of assets derived from drug trafficking, advocated for the tightening of security measures at every Port of nations, initiate tighter control of mails and ships on the high seas and aircraft in international aerospace. Lastly, chapter four stipulated great efforts at treating and

rehabilitating drug addicts and the reduction of the spread of disease through the sharing of needles, amongst drug addicts. This conference was significant in that, the co-operative efforts of nation states in conjunction with the United Nations were recognized as the only way in which illicit drug trafficking could be checked.

The 1988 United Nations Convention against illicit traffic in Narcotic Drugs and psychotropic substances was adopted by 106 states under the United Nations to fight the threat of drug trafficking, mostly depriving the drug traffickers of their proceeds and freedom of movement. Article 34 of that convention advocates for the tracing, freezing and confiscation of proceeds and property got from illicit drug trafficking. In order to effect this, courts were authorized to defy Bank secrecy in order to uncover money laundering activities of Drug Traffickers. Emphasis are also made on the extradition of major illicit drug traffickers, and member states are mandated to enter into agreements with each other in the area of mutual and legal assistance, in order to arrive at drug related investigations, and transfer proceedings for criminal prosecution. Most of all, is the call to commitment by parties to reduce the demand for narcotic drugs and psychotropic substances. Over sixty states became parties to the 1988 convention which entered into force on the 11th November, 1990.

Lastly, was the global programme of Action which was adopted by the General Assembly at its seventeenth special session in March, 1990 to achieve the goal of a global community free of the drug problem. The General Assembly resolution 44/16 of 1st November, 1989 was convened to further strengthen the goal of co-operation against illicit production, supply, demand, trafficking and distribution of narcotic drugs between the United Nations and Nation states.

From the foregoing analysis, we can suggest that the drug problem is of a multifaceted

nature which has gingered the United Nations into action and mandating all member states to co-operate in order to bring the drug menace to an end.

3.03 Nigeria and Drug Trafficking in Historical Perspective.

As far back as the early part of the 1960s, the cultivation, peddling, exportation and use of the narcotic drug called harshish or variously known as Indian Hemp, Cannabis or Marijuana had started in Nigeria. Its local market expanded, thus leading to illicit exportation to countries such as Britain which eventually lead to the promulgation of the Indian Hemp Decree 19 of 1966. It was amended by the Indian Hemp Decree 34 of 1974. This time, a fine not exceeding two hundred naira or imprisonment for not less than 6 months or both was introduced (Oloruntimehin, 1985; Chukkol, 1985).

However, the drug problem took a new dimension, in that, the late 1970s witnessed the opportunistic nature of most Nigerians blossoming into indiscipline and corruption which further rendered Nigeria a debt ridden Nation. It is recorded that in the late 1970s, syndicated crimes were initiated by most dubious Western businessmen who were queuing up to do business illegally with Nigeria. "Those were the days of the phenomenal oil boom; a period of ostentatious living by those Nigerians who (in concert with foreign businessmen) creamed off massive profits from the country's oil wealth". (West Africa Magazine, 1994; p.582). It was in this late 1970s that illicit trade in drugs started creeping into Nigeria. By 1985, the country experienced an explosion of the illicit drug trade. As a result, "at least 1,300 Nigerians were either jailed or detained in several countries for drug-related crimes" (Afolabi, J. M. 1996. p.11).

This development became a source of concern for the Government of General

Muhammadu Buhari and Tunde Idiagbon and they ordered an investigation into the illicit drug business. The results of the investigations shocked the administration. The Government perceived that because other established routes had been blocked, international drug syndicates resorted to using Nigeria as a transit route. In connection with this, cocaine was smuggled into Nigeria from South America especially Brazil, while heroin was illegally ferried in from Asia normally across the Pakistani border through India (Ibid). This report made the Military regime to swing into action; a decree was promulgated in 1985 making Drug trafficking an offense attracting capital punishment. "The Buhari regime began a serious battle against illicit drug trade by mounting check points at Nigeria's international Airports. In the heat of the campaign, Air India aircraft was detained in Lagos because it was carrying drugs" (Ibid p.12). The effect of Decree No. 20 of 1985 led to the trial of three suspected drug traffickers by the Military tribunal set up by the Government, headed by Adebayo Adesalu who was a judge of the Lagos High Court. These suspected drug traffickers were: Bernard Ogendengbe, a 36 year old father of four; Bartholomew Owoh, a student of the institute of management and technology (IMT) Enugu; and Lawal Ojulope, a 30 year old motor spare parts dealer. Their execution took place on the 10th of April, 1985. Their execution caused a nationwide debate and agitations from many Nigerians condemning the Decree 20. This stalled the further execution of arrested drug traffickers.

Four months after the incident, Babangida seized power from Buhari, repealing the Decree 20 stipulating death penalty for illicit drug traffickers and reversing it to life imprisonment, at the same time, creating a special tribunal. Events began to unfold after the abrogation of Decree 20. For instance, in 1986 Gloria Okon was arrested in Kano for illicit drug trafficking but was alleged to have died under mysterious circumstances. Again, the United states of America,

vigorously began to campaign for Nigeria to actively take steps in eradicating the illicit drug trade. By 1988, Nigeria was fast becoming a drug trafficking and even a drug consuming nation. Increased pressure on the Government to establish an anti-drug agency rose in order for the fast growing problem to be stalled.

On the 29th December, 1989, the National Drug Law Enforcement Agency was established by the promulgation of Decree No. 48 of 1989 which was aimed at fighting the drug menace. Some of these drug laws aimed at:

i. Coordinating all drug laws and enforcement of functions conferred on any person or authority including ministers in the Government of the Federation by any such laws;

ii. Adopting measures to identify, freeze, confiscate or seize proceeds derived from drug related offenses or property whose value corresponds to such proceeds;

iii. Adopting measures to eradicate illicit cultivation of narcotic plants and to eliminate illicit demand for narcotic drugs and psychotropic substances with a view to reducing human suffering and eliminating financial incentives for illicit traffickers in narcotic drugs and psychotropic substances;

iv. Taking such measures which might require the taking of reasonable precautions to prevent the use of ordinary means of transport for illicit traffic in narcotic drugs including making special arrangements with transport owners and operators;

v. Reinforcing and supplementing the measures provided in the convention on Narcotic Drugs of 1961, as amended by the 1972 protocol, the 1971 convention on psychotropic substances and the United Nations convention against illicit traffic in Narcotic Drugs and psychotropic substances of 1988 as adopted by the Nigeria domestic law, in order to

counter the magnitude and extent of illicit traffic in narcotic drugs and psychotropic substances and its grave consequences;

vi. Strengthening and enhancing effective legal means of international cooperation in criminal matters for suppressing international activities of illicit traffic in narcotic drugs and psychotropic substances;

vii. Collaborating with government and non-governmental bodies both within and outside Nigeria in carrying out functions wholly or in part analogous to those of the Agency...." (Decree 48, Section 3; 1989; pp 427-8).

The establishment of the NDLEA was Nigeria's effort at joining the rest of the world in getting rid of this cankerworm. In 1990, Fidelis Oyakhilome, a Lawyer, retired police commissioner and ex-governor of Rivers state was appointed the agency's first chairman. His performance was impressive in that some drug traffickers were arrested, prosecuted and convicted. "He also adopted the method of publishing the photographs of Nigerians convicted abroad for drug offenses with the aim of exposing them to public ridicule. The United States of America lauded the progress made by Oyakhilome" (Afolabi, J. M. opcit p.13).

However, in 1991, Oyakhilome's administration at the NDLEA got entangled in a scandalous affair which in effect put his credibility on the operating table. He was linked to bribery and Corruption charges, initiated by a celebrity and his close associate, Jennifer Madike, for the release of one Greg Odilibe, who was in custody on drug charges. He was suspended and later removed.

Oyakhilome was succeeded by another ex-police commissioner, Fulani Kwajafa. In this administration, there were lack of mission and responsibility. The Agency continued to grow

weak until 43 drug suspects escaped from its office in Kano where they were held. This development led to the shaking up of the NDLEA along with the exit of the chairman. An Assistant Inspector General of Police, Bappah Muhammed Jama'are replaced Kwajafa Fulani as the new Agency's chairman. He had the enviable record of being chairman when the NDLEA seized 649 wraps of heroin worth more than N21.4 billion. Thereafter, he made a controversial trip to Cairo, Egypt in which Olu Onagoruwa, then Justice Minister, stated that the trip was not approved. While Jama'are was in Egypt, 12 wraps of the seized drugs worth more than N100m were removed secretly (ibid. p.14). The theft case was uncovered when Fumilayo Onikpaku, the then chairman of the Lagos zone of the miscellaneous offenses Tribunal visited the NDLEA offices at Ikoyi Lagos, to take inventory of the seized drugs. Jama'are was removed in order for the Head of the task force, Musa Bamaiyi run the NDLEA. Bamaiyi was later made the chairman of the Agency in 1994.

His first task was an attack on corruption among the staff. On assumption of office, he addressed his staff that "it is sad to note that those charged with the responsibility of eliminating drug trafficking are by far more involved in drug trafficking than the professional traffickers. We are determined to eliminate all the ills in the system so that the organization can function as expected" (Ibid p.16). He sacked 331 staff and sent four senior officers on compulsory leave. He purged NDLEA operation at Airports and seaports in the country. The fight was also extended to money laundering whereby the Government perceived that the proceeds from illicit drug trade were being laundered through the import and export trade. To that effect, Decree 3 of 1995 was promulgated, empowering NDLEA to investigate any person or corporate body, suspected to be involved in money laundering. This crime attracted a fine of N1 million as

punishment (Ibid p.8).

All these efforts must have been directed by some objectives which are supposed to be pursued towards the elimination of the drug threat. To this end, Musa Bamaiyi, vowed that the drug war must go on. At this juncture, it is needful to look at why it is necessary for Nigeria to co-operate with the United Nations Agencies in the fight against illicit drug traffic in drugs.

3.04 The need for Nigeria to closely work with UN Agencies against illicit drug trafficking

Drug trafficking is an international problem and no nation is untouched by its threat whether drug producing, consuming or transit nation. It spreads across nation's borders in leaps and bounds. So, Nigeria, a developing nation cannot stand alone in fighting this global problem but is linked to her neighbors and the rest of the world in the illicit drug production and trafficking. To handle this problem effectively, it is essential that she works with the UN agencies with the following reasons:

1. Special problems may come up for Nigeria while carrying out her anti-drug programs and so her co-operation with the UN agencies on the drug fight such as the UNFDAC is essentially needed so that she receives technical and financial assistance to counter the problem. UNFDAC serves as a donor community, strengthening international support for the reduction of narcotic activities.
2. Nigeria needs to co-operate with UN agencies such as UNDCP, because the latter provides assistance to Governments and international organizations so as to reduce the demand for drugs to amounts legitimately required for scientific and medical purposes. UNDCP develops a comprehensive strategy for drug demand reduction amongst illicit

users in a nation state, improves the administrative and competence of bodies that are determined to eliminate the illicit traffic in drugs. UNDCP helps prevent illicit drug use through education and public enlightenment campaigns, provide facilities and develop ways of treating, rehabilitating and socially integrating drug dependent persons, at the same time conducting research on illicit drug use and traffic control to nation states. So, Nigeria needs to work with UNDCP so that the Nigerian public could be enlightened on the dangers of the illicit use of narcotic drugs and psychotropic substances.

3. UNDCP develops and distributes information on various issues on drug control programs to member states and other interested parties on a broad international and non-political platform. With this effort from UNDCP, the Governments are armed to tighten drug control measures when the need arises. Nigeria's close work with this UN agency can help eliminate illicit drug trafficking.

4. Whether a state is a party to the convention or not, INCB requires states to furnish her estimates of narcotic drug needs for medical and scientific purposes for the coming year and calls for remedial measures if the purposes of the conventions are not followed. In this vein, Nigeria essentially needs to co-operate also with this UN agency in its fight against drug trafficking.

3.05 Summary

The co-operation between the United Nations and Nigeria predates the anti-drug war in Nigeria. With the admission of Nigeria into the United Nations, the UN has been used to deliver her interests related to peace and security in order to survive as a nation.

In fighting drug trafficking, international cooperation has been encouraged by the United Nations among nation states through the drafted conventions, of which the operation of the international drug control system must be an issue of priority.

The establishment of the National Drug Law Enforcement Agency (NDLEA) was aimed at putting a stop to illicit drug trafficking and consumption. However, Nigeria is essentially needed to work closely with UN agencies in order to effectively handle the drug problem.

How is Nigeria's Drug Control Programme going to be enhanced? This is what we are to look at or address in the next chapter.

CHAPTER FOUR

THE UNITED NATIONS' STRUCTURES AND ASSISTANCE FOR NIGERIA'S DRUG CONTROL PROGRAMME

4.01 Introduction

In the immediate previous chapter, we looked into how Nigeria's co-operation with the united Nations blossomed into some crucial areas shortly after she was admitted into the United nation's before such co-operation extended to the fight against illicit drug trafficking. We also briefly saw the need for Nigeria to co-operate with the UN agencies so as to eradicate the drug problem on her territory.

In this chapter, we want to look at:

(a) the question of jurisdiction in relation to the eradication of illicit drug trafficking;

(b) the practical structures put in place by the UN for Nigeria towards the eradication of illicit drug trafficking and use;

(c) the UN assistance to Nigeria at controlling the illicit drug trafficking and use; and

(d) the practical role played by the UN Organs and Agencies towards the stemming of the plague.

The aim of this chapter at the end is to entrench an idea of humanitarian and social order, and averting poverty and conflict. If there are ever gains to be derived from these , it is indicative of the fact that the UN is willing to help Nigeria implement and follow out the spirit and intentions of the conventions which the latter has signed and ratified thereto.

4.02 Jurisdiction in relation to the eradication of Illicit Drug Trafficking

Jurisdiction refers to an administration of Justice that has the right to exercise legal authority, interpreting and applying laws. It also means limits within which legal authority may be exercised (Oxford Learners Dictionary, p.679; Advanced Learners Dictionary of Current English, p.460.)

For Morton A. Kaplan and Nicholas DEB Katzenbach (1967), there is the tendency to closely relate jurisdiction with sovereignty. Although they are interchangeably used, they are not identical.

While:

(a) Sovereignty is a synonym for the term independent, indicating that the workings of Government functions are formally performed by a state and not externally, and that

(b) It is an act of adopting and enforcing formal norms or laws legitimately vested in state officials within a specific geographical region or subsystem of a state's territorial sovereignty;

(c) Jurisdiction then relates to the legal power to adopt and enforce rules in relation to certain kinds of persons and events.

In this vein, a claim may be made to a special authority, or a cooperation with an authority or even a system may be under the control of the authority of other decision makers. However, Morton and Katzenbach hold that jurisdiction may be limited and defined to a certain area. For example, a state cannot exercise a sovereign power over the high seas but over the people within the area (whom policies and rules are prescribed for), where there are occurrence

of events and the utilization of property - Territorial jurisdiction (p.173).

In the application of international law in a national domain, questions arise on whether municipal courts have the power of interpreting and applying international law and which of the two systems should overrule or make a puppet of the other in the event of conflict between both systems. However, as Hingorani asserts "International law regulates between states while municipal law is law of the given law. Yet international law has an impact on municipal law and vice versa. Treaties are within the domain of international law but they must be ratified as per national law and practices. Many treaties require national legislation for implementation. Some of the treaties affect municipal law. It is given to municipal law to implement international law within national boundaries" (p.28).

Norman, D. Palmer and Howard, C Perkins (1985) supports Hingorani's view when they cite Oppenheim's position that, in a case of conflict between both systems, the municipal courts may nor could apply the law of nations, for international law lacks absolutely the authority or power to change or develop and establish rule of domestic law (p.275). On the other hand, Clyde Eagleton contends that regarding international law as independent upon municipal law is tantamount to the former being overridden by the latter, thereby completely denying international law its proper place. That, it is a mistake states must not make since their own law above international law are not final but may be reviewed or amended and reparation demanded by an international tribunal (ibid.).

Oye, Chukuma (1991, p.89) establishes the relationship of both international law and the municipal law when he argues along the perspective of illicit drug traffic control, that the operation of the international control system is largely based on national control which must be

enforced within the stipulation of the drug convention. Bound by the drug treaty laws, Nigeria in particular must appropriately adopt legislation, introduce necessary administrative and enforcement measures and strive to cooperate with international control organs towards eliminating the drug problem. Thus, Hingorani appeals for a feasible and consistent interaction between international law and municipal law, irrespective of the conflicting situation that might arise. His illustration of customary rules of international law governing extradition which are to be interpreted and applied by national judicial authorities attests to his stand.

Amidst these controversies and arguments about the issue of jurisdiction, sovereignty and which of the legal systems should overbear on the other, the classical functionalists have no interest in all these arguments. They are not trying to hijack States' sovereignty and human loyalties to a World body such as the United Nations. They only crave for a functional co-operation, bringing States and human loyalties in solving economic and social problems and from there, political alliances can then be attained. Even article 2 of 1988 convention against illicit traffic on Narcotic Drugs and Psychotropic substances recognizes States' sovereignty. Thus, for illicit drug trafficking to be eradicated, co-operation between Nigeria and the UN organs and agencies is needed. Entering and concluding treaties and following the spirit of the convention is also crucial.

The United Nations recognizes the problems of differences in the penal measures and systems of States, the difficulty in establishing a universally established international rules to be implemented at the national penal systems, the severity with which drug offenses are being judged and the social, religious and cultural values that impinge on their conception, perception of the commission and punishment of drug related offenses in their respective jurisdiction. The

UN therefore obliges States to considerably adopt and implement the treaties in their own national legal systems, within the framework of the international provisions.

Furthermore, the United Nations is aware that States assume the principle of territoriality in their jurisdiction over offenses committed on their territories, the offenses committed by their citizens abroad (the principle of nationality), the offenses they try to protect by trying a few crimes especially if it borders on their own interests which are committed by citizens or foreigners (Principle of Protection) and the Principle of Universality which comes into play especially in the case of piracy, which demands prosecution by States wherever it is committed. Another known difference in the States' jurisdictional interpretation and enforcement of penal measure over crime is where some states are willing to extradite their own nationals to a requesting state in whose territory the crime in question was committed, with the former expecting a reciprocal co-operation when such request is needed. On the other hand, some States out of strict principle and even provided or entrenched in their own constitution, would never oblige a State requesting for extradition of the former's nationals for offenses committed. (Introductory paragraph, Article 36, 1961 single convention on Narcotic Drugs, (as amended); p.426).

In the light of all these differences in the States' penal laws, Article 36 of 1961 convention provides "broader and more flexible items and binding character even weaker." (ibid). Yet, the same article tightens its rein on all criminalised activities of the illicit drug trafficking, warning that principal offenders and their accomplices would be prosecuted accordingly. Again, apart from already committed drug offenses, the provision also includes attempted and incompleted offenses of illicit drug trafficking as subject to prosecution.

Still on the issue of jurisdiction, the UN mandates states to seriuosly ponder on the case of extradition in relation to illicit drug trafficking when it says:

> Serious offenses heretofore referred to committed either by nationals or by foreigners shall be prosecuted by the party in whose territory the offenses was committed, or by the party in whose territory the offender is found, if extradition is not acceptable in conformity with the law of the party to which application is made, and if such offender has not already been prosecuted and judgement given. (Ibid. Paragraph 2, sub-paragraph (a) Clause iv; p.34).

Apart from the call for all States to impose severe penal measures and implement them, the differences in the legal system not withstanding, parties are implored not to harbor a trafficker within their territory or areas of jurisdiction. To this end therefore, Nigeria must cooperate with other States in order to make a positive, serious and result oriented impact on the conventions which aim at eradicating illicit drug trafficking in pursuance to Article 4, paragraphs (b) and (c) of the 1961 convention on Narcotic Drugs as amended.

Lastly, in the face of the differences in the legal systems of jurisdiction of States, Articles 36 of the 1961 convention (as amended), 22 of the 1971 convention and 3 of the 1988 convention send alarm signal to the international community that traffickers might take advantage of the loopholes that may arise therefrom unless adequate measures are taken against drug offenses and offenders mentioned in the three conventions and protocol (United Nations Drug Abuse Control, 1992; p.35).

In the light of these therefore, Nigeria being a member state or party to the conventions need to ensure that in her own national domain, the legislations adopted for the implementation of the treaties must be aimed at complying with that of UN provisions so that the drug menace in her jurisdiction would be eliminated.

We shall look at the practical structures put in place by the UN for Nigeria towards the

eradication of illicit drug trafficking and use.

4.03 The Practical Structures of UN for Nigeria's Control of illicit drug trafficking and Use

First and foremost, Article 4, paragraph 1 of the 1961 convention(as amended) generally obliges parties to enact legislative and administrative measures sufficient enough to:

(a) "Give effect to and carry out the provision of this convention within their own territories."

Therefore, for the obligations of the convention to be effectively enforced towards the stamping out of the menace within an autonomous sovereign territory like Nigeria, she is expected to adopt and effect a legislation empowering the Organ of the Executive branch of her Government to promulgate a decree on how to deal with the drug threat in compliance with the decision of the CND. She must not tarry in attaching legal status to drugs under a national narcotic regime and domestic action is desired to implement the single convention, for the co-ordination of the prevention and repression against the illicit traffic, and to ponder upon possible constitutional legal and administrative systems. Then the next move for Nigeria to make would be to:

(b) Make arrangement at the national level for the co-ordination of preventive and repressive action against the illicit traffic. To this end, ... may usefully designate an appropriate agency responsible for such co-ordination. (Article 35, paragraph (a); 1961 convention).

By implication, Nigeria has the responsibility to make arrangements within her area of jurisdiction for an easy co-ordination of all the functions of narcotic control so that the problems of drug trafficking could be curbed. What is evident here, is that she has to be a party to the existing international drug control treaties and report to the INCB on the progress made so far. Depending on her constitutional, legal and administrative system, the arrangement could be the establishment of a system of liaison and co-ordination among the various governmental units or an appropriate anti-narcotic central office or Agency responsible for carrying out functions provided in the international narcotic treaty laws. For example, Nigeria has the National Drug Law Enforcement Agency (NDLEA). It is this coordination at the national level that legally and appropriately links Nigeria to other states parties and relevant and competent UN organs and agencies in the international community, who like her, campaign against illicit traffic in psychotropic substances and Narcotic drugs, since it is a global problem needing a global action. It therefore implies that for international co-operation between the UN and Nigeria to be objective, this particular structure put in place by the UN has to be taken seriously by Nigeria.

(c) Another structure put in place by the UN requires that Nigeria co-operate with other States in routing the drug menace (Article 4, paragraph 1, sub paragraph (b) 1961 convention).

Nigeria's cooperation with other parties should not be operated on a hollow truce foundation. It should be guided and lubricated by the signing and ratification of various forms of bilateral and multilateral agreements and it is indicative of the fact that she is committed in the battle against the global drug threat if she is willing to bring drug offenders to book. After signing and ratifying all existing international conventions and protocol, aimed at handling the

problem, law enforcement is given a direction and boost in the campaign at her national level. Nigeria's adherence to such pacts need total commitment which further reinforces international co-operation at fighting illicit traffic in drug. Entering and concluding bilateral and multilateral agreements help developing nations like Nigeria who lack resources to get aid from developed countries, who individually co-operate with the UN and carry out the latter's mandate at hemming the challenges posed by drug trafficking.

(d) Another UN structure for Nigeria is to exploit the opportunity of receiving assistance from states and rendering hers to those that need it (Article 35, paragraph (b); 1961 Convention). This obligation forms the base on which mutual assistance is accorded Nigeria and hers to others. This mandate of States to assist each other or one another need to be categorized into three ways:

(i) Technical Assistance

(ii) Legal Assistance

(iii) International co-operation and assistance for transit states.

(i) Technical Assistance:

Technical aid grant to needy States like Nigeria from richer States, in terms of the campaign against illicit drug trafficking and use, is a legal obligation demanded of the international community to enforce the provisions of the international drug treaties. In other words, foreign aid from other States parties is an indispensable tool in facilitating international co-operation at bringing the global threat to an end.

Technical assistance could be made available by other States parties in order to strictly check the production, manufacture, wholesale and retail trade of narcotic drugs. In other words,

aids could be given to narcotic drug producing nations to embark on crop substitution programme. Again, producer and Transit states who lack facilities to enforce the treaty obligations are helped if the need arises and the desire for assistance in the area of staff training programme or arrangements is expressed. Such gesture is offered by either UN international organs, her agencies or NGOs.

To this end, Nigeria's cooperation with the United Nations affords her the opportunity of receiving assistance from other States or the UNDCP to fight the drug plague and embark on destruction of cannabis sativa (marijuana) in her 'operation burn the weeds' programme.

(ii) **Legal Assistance:**

Legal assistance is one of the means Nigeria is expected to assist a State or receive from another in the campaign against illicit traffic in narcotic drugs. Therefore, Nigeria is obliged to:

> Ensure that where legal papers are transmitted internationally for the purposes of a prosecution, the transmittal be effected in an expeditious manner to the bodies designed by the parties. This requirement shall be without prejudice to the right of a party to require the legal papers which are to be sent to it through the diplomatic channel. (Article 35, paragraph (e); 1961 convention).

The 1961 single Narcotics convention commentary highlights that for States like Nigeria to transfer legal documents dealing with cases of the drug traffic offense to another party that makes a request of it in accordance with the principle guiding their bilateral and multilateral relations in matters of legal assistance, it must be hastily transmitted yet carried out in compliance with paragraphs (b), (c) and (d) of Article 35, 1961 convention.

Second, legal papers do not only mean "request for judicial assistance but also documents in which the authorities of the country which has been asked for aid, report on the results of the international judicial assistance which has been rendered for example, records of the requested

evidence which has been taken." (Ibid. pp 442-3). This request also extends to the arrest of a drug related crime offender whose extradition is required and the response of the requested State. This is done for the purpose of prosecuting the offender. The transmission of the legal documents must be prompt subject to the treaty regulation between both parties.

The 1988 convention frowns at the refusal to lend mutual legal assistance on the grounds of secrecy from states as this may make the purpose of the provision hang on a thread.

Mutual legal assistance in criminal matters is aimed at legally controlling illicit traffic in and use of narcotics. For example, Nigeria signed series of bilateral and multilateral agreements on mutual legal assistance. One of such is the US - Nigeria mutual legal Assistance Treaty (MLAT) signed in Washington on September 13, 1989 which aimed at promoting the joint efforts between both countries in investigating, confiscating, arresting and prosecuting drug offenders (Oye, C.A. Opcit. P. 103). In a clearer term, that 1989 bilateral treaty states that: "Assistance shall be provided with regard to whether the conduct which is the subject of the investigation, prosecution or proceedings in the requesting state would constitute a crime under the laws of the requested State" (Osinbajo Y. Opcit. p.231).

Mutual legal assistance, when vigorously followed up in bilateral arrangements in order to eradicate the drug plague is sure to receive thumbs up for such an effort, since the task of fighting the drug trafficking problem is channelled by seeking the areas of mutuality by the states, who in binding those common interests in achieving social, economic and humanitarian welfare for mankind, row in the same boat with the classical functionalists, sailing across the threatening river of illicit drug traffic, that has flooded into national boundaries of States.

(iii) International Co-operation and Assistance For Transit States (Article 10, 1988 Convention)

Article 10 of the 1988 Convention Against illicit Traffic on Narcotic Drugs and Psychotropic substances obliges the international community to assist and support transit states, especially States that lack the resources to fight the drug menace. The co-operation and assistance rendered would intensify programme of interdiction and other anti-drug activities. States parties are endeavored to provide financial assistance also, to poor transit States through competent international and regional organizations so that the established infrastructure aimed at effectively stemming and preventing illicit drug trafficking in those transit States would develop and get consolidated.

The essence of assisting transit states in the sphere of illicit drug trafficking led for example, Nigeria and the United States to sign a memorandum of understanding (MOU) on the 2 1st March, 1990 which urgently aimed at launching crusade against illicit production, trafficking and use of narcotic drugs and psychotropic substances. In the MOU, USA *inter alia* set out in the accord to furnish the NDLEA with technical and management training so that the latter's framework of professionalism would overcome its teething problems and develop. Again, both Governments agreed to co-operate in the establishment of a joint task force and other facilities, made firm and stable, by which there would be an unchecked exchange of intelligence reports on the illicit trafficking on drugs. (Ibid. p.238).

A great number of developing countries have in the spirit of solidarity, mobilized themselves to counter the illicit traffic and use of narcotic drugs and psychotropic substances posing a perturbing threat to the base of their stable economic, social and political structures, which is evident in the poor living conditions of people especially farmers, growing rate of

organised crime and corruption of States domestic actors by the organizers of the global syndicated drug networking groups. To this end, they have seen the urgent need for farmers to embark on crop substitution programme which would edge out the idea and practice of growing narcotic crops for profit motives as they are often patronized by global drug syndicates. For this reason, developed drug consuming states like USA have been implored to render result oriented assistance aimed at strengthening national crop substitution programmes in poor developing States whose finished and processed narcotic crops get transported into transit States and finally into consumer States. This spreading web of international activity in the form of rendering assistance to States that are handicapped makes the World's mankind one big family, thus promoting peace and development, and eliminating the causes of conflict which come in the form of hunger, poverty, social inequality and disorder, pain and human suffering.

(e) Exclusive Limitation in trade and Use of Controlled Drugs.

> "Subject to the Provisions of the Convention, to limit exclusively to medical and scientific purposes the production, manufacture, export, import, distribution of trade in, use and possession of Drugs." (Article 4, Paragraph 1, subparagraph (c) 1961 single convention Opcit.).

The fundamental reason for the formulation of international narcotic control policy is to hamper the diversion, traffic and use of controlled drugs, and to shut out every possibility of their uncheckered availability. Their availability would only be limited under a strict regulation and monitoring, for the purpose of scientific and medical use which in turn would be used to reduce human pain and suffering. For example, cocaine, a narcotic drug, pemoline, a psychotropic substance and opium from where Morphine is extracted are very useful in human Medicine, as

they are indispensable during a successful surgical operation. Their supply and prescription by a qualified and licensed physician must be legitimately and rationally done so as to curb illicit supply. With this measure, the human dignity is restored, Peace and security maintained. This possibly could be done through the proper working of national drug regulatory systems such as NDLEA, NAFDAC in conjunction with the United Nations.

The UN mandate to Nigeria to exclusively limit the drug related activities to only scientific and medical purpose is a very crucial one. Controlled drugs are not to be possessed or used except under prescription. This is geared towards maintaining sanity in the Nigerian society. The concentric theory of classical functionalism meant to solving economic, social, technical and humanitarian problems will go a long way attacking the drug threat and further creating a positive impact on the political setting. Here then, the future political leaders will not be decision makers and functionaries under the influence of controlled drugs but will administer with sound mind and clear judgement. The possibility of conflicts and anarchy would be averted.

(f) Treatment of Drug Addicts.

This measure or input expected of States towards the eradication of illicit drug trafficking is expressed in the following provisions:

(i) The parties shall give special attention to the provision of facilities for the Medical treatment, care and rehabilitation of drug addicts" (Article 38, paragraph 1, 1961 convention, P. 446).

(ii) "The Parties shall give special attention to and take all practicable measures for the prevention of drug abuse and for the early identification, treatment, education, aftercare,

rehabilitation and social reintegration of the persons involved and shall coordinate their efforts to these ends." (Article 15, Amendment to Article 38, paragraph 1 of the 1961 Convention, 1972, Protocol. P. 84.)

(iii) "If a party has serious problems of drug addiction and its own economic resources permit, it is desirable that it establish adequate facilities for the effective treatment of drug addicts." Article 38, paragraph 2; 1961 single convention ibid).

Here, Nigeria is obliged to render special attention to drug addicts in her territory, who in course of illicitly using the controlled drugs got hooked to the drugs and continued depending on them - cocaine, cannabis, etcetera. Nigeria must therefore adopt administrative and penal measures in consonance with the international treaty provisions aimed at eradicating the drug menace. If in the spirit of the convention, Nigeria garner experiences from the techniques locally used in solving drug related problems that threatened her economic and social structures, further leading to the solution of her political problems, it invariably would go a long way in facilitating the essence of transferability which could be applied to making the international drug control machinery function effectively. That is, the commitment of Nigeria towards the national effort and strict adherence to bilateral and multilateral agreements ultimately means that her efforts could easily be transferred to the global arena towards solving the problem of drug trafficking.

Number "i" has three stages of remedial measures. Nigeria, while embarking on medical and therapeutic treatment, is required to effect such care in an appropriate health institution, in order to improve on the personal condition of the addict or group of addicts and ensure to avert recidivism. This is supported by the Rehabilitative measures used to keepo an addict physically and vocationally fit which would enable the now former addict lead a normal life, thus ushering

him to a self reliant life. Social reintegration of the former addict in Number "ii" is designed to possibly help the person adapt if possible to a new environment more comfortable and interesting to live in. Here then, he is required to be offered a good vocational job, housing and other relevant incentives that would keep him away from the use of illicit drugs thought to be a source of escape from the harsh conditions prevalent in the economic and social structure of a society.

Nigeria is obliged to launch forth, educational programmes meant to inform and reform the illicit drug users, enlightenment campaigns in schools and organizing special sessions for those youths who are vulnerable to the illicit use of drugs.

The outlined remedial measures are aimed at tackling the drug menace in Nigeria and even beyond her shores. Illicit use of drugs is a direct consequence of illicit drug trafficking business which came about as a result of the security measures mounted by her, especially as a transit state, to checkmate the flourishing illicit trade. In this vein, the unexported drugs found their way into designated local markets. So, many youths of Nigeria got themselves enmeshed in the quagmire of the drug problem who for the socio-economic downturn of the Nigerian State experiencing unemployment, poverty, inequality, malnutrition, intensified starvation, cashed into the trade to make a living.

The consequences of the trade no doubt unravels social and personal disorder leading to criminal offenses, accidents, health and mental problems. A drug dependent person is a pitiable wreck, irresponsible, sick and a problem to himself and society. Drug consumers are not productive and growing number of them are frightening threat to Nigeria's national security (Gambo Muhammed, 1995. p.81). National security embraces Military, political, economic, social development and the upholding of the cultural values of Nigeria. Thus, the prevailing problems

of the drug plague calls to mind the functional belief of "war hawks" which says that problems of political nature are also created as a result of the aggressive and lying attitudes of Military men and diplomats respectively. Youths, in an unprecedented economy are the future leaders of such state and are prone to being manipulated by drug barons, which would further lead to the legitimization of the narcotic trade.

Furthermore, the influence of drugs in the rank and file of the Military in such a future could threaten the security system and territorial integrity of the country. There is the tendency for the political leaders and Military men to be warlike in that they undermine the treaty provision for underlying reasons.

The term "prevention" is meant to induce economic and social strategies capable of handling or reforming measures that will develop the personality traits of the former addict so as to avert recidivism. The obligation of Nigeria in Number "iii" to put in place adequate facilities for effective treatment of drug addicts, gives her unhindered liberty to choose whatever means her medical authorities considers appropriate within the scope of her economic resources which should be used to provide facilities in a relevant health institution and a conducive drug free environment. However, if she experiences serious drug threat within her citizenry and is short of economic resources which should be used to handle such a social problem, may request the assistance of UNDCP and other states.

Lastly, Nigeria is expected to

> "as far as possible promote the training of personnels in the treatment, after-care, rehabilitation and social reintegration of abusers of drugs(Paragraph 2, 1972 protocol, Opcit) and:
> "... take all practicable measures to assist persons who so requires to gain an understanding of the problems of abuse of drugs and of its prevention ; and shall also promote such understanding among the general public if there is a risk that

abuse of drugs will become widespread." (Paragraph 3 ibid).

The personnels the provisions of the treaty mandate Nigeria to train are those who must be involved in the restoration and healing process of the drug dependent persons during the different stages of treatment. Paragraph 3 includes personnels in paragraph 2 of the 1972 protocol and those personnels who in their professional calling and constant practice have come to be in contact with the drug dependent persons and are conversant with the multi-disciplinary and complex problems or intricacies accompanying the phenomenon. Example of such personnels in paragraphs 2 and 3 are judges, police, prison warders, Doctors, Nurses, Social Workers, religious Men and Women etcetera. To "promote" as provided in paragraph 2 is made for Nigeria to radically call the attention of and possibly educate the general public on the insalubrious nature of the illicit drug use. This is aimed at restraining and conscientising those gullible and vulnerable Nigerians from falling prey to the painful experience of illicit use of narcotic drugs and other controlled substances, and to save them from being exploited by drug traffickers whose business flourish on the demand of such drugs.

To seriously ponder and act on the treatment and rehabilitation towards the eradication of the illicit traffic and use of drugs, Nigeria is required to demonstrate her willingness in implementing the 1988 UN convention which provides that: "Parties may provide, in addition to conviction or punishment, for an offense...that the offender shall undergo measures such as treatment, education, rehabilitation or social integration" (Osinbajo, Y. Opcit. p.237).

Apart from the 1988 convention reinforcing the provision in the other treaties, the 1987 comprehensive Multidisciplinary Outline of Future Activities in Drug Abuse Control, emphasized the treatment and rehabilitation of the addict even though it is not intrinsically a legal instrument.

It renders four principles at tackling illicit drug use. These include:

(i) Inventory of available modalities and techniques of treatment and rehabilitation,

(ii) Selection of appropriate treatment programmes,

(iii)Training for personnels working with drug addicts

(iv) Case for drug addicted offenders within the criminal justice system and social integration of persons who have undergone programmes for treatment and rehabilitation (Ibid).

(g) Exchange of Information and Intelligence Reports.

The exchange of information and intelligence reports are instruments essentially needed for a regular and progressive co-operation among law enforcement agencies of states parties towards the eradication of illicit drug trafficking. It is a very crucial factor that hinders the rate at which drugs are illicitly transported around the globe. To this end, Nigeria has to design, develop and promote more precise, rapid and secure exchange of information and intelligence reports with the United Nations and other States.

Illicit drug trafficking is a global problem which requires a well dynamic, calculated system of organizing and so, Nigeria must beat up the quarters of the traffickers and stall their activities by establishing a strong technological information system and seek to promptly disseminate the relevant information without delay to any state in need of information on the names of Drug Couriers, nationality of such drug couriers, cartels and kingpins and their Modus Operandi. Merging and riding through the information super highway would enable Nigeria gain access via the computer terminals to a broad range of electronic data whereby she would enjoy the computer based drug control agencies of other states and the UNO and then, easily collect

and analyze intelligence reports about current sources of narcotic drugs and psychotropic substances and trafficking routes in order to track down the perpetrators of the global illicit trade.

This is a serious and indispensable tool for Nigeria's effective implementation of international treaty provisions meant to extirpate the illicit drug trade and use. This will greatly multiply the risk associated with the undercover business, even if the drug traffickers would drastically refine the procedures and techniques in the trade. Once this monstrous plague is arrested, the huge money or resources devoted in combatting the trade will then be channelled by Nigeria to improve the social, economic and humanitarian conditions of mankind. If welfare policies are adopted and implemented by Nigeria, with effective co-operation with the UN even gradually to higher levels, many youths in the country may choose to abandon the illicit trade for more rewarding legitimate endeavours in the country once hard work is dignified and respected, considering the risks and dangers involved in trafficking in drugs.

Nevertheless, it is needful that Nigeria's co-operation with the UN and the maintenance of the steady flow of intelligence reports with other Law Enforcement Agencies is increased. An example of exchanged intelligence and information is Nigeria, that entered into informal arrangement for an exchange of information and narcotic intelligence between the NDLEA and countries like Thailand, USA, Great Britain, Ghana, etcetera. Alternatively, Nigeria sees the need for Head of Nigerian foreign missions in various areas of accreditation to supply information about the activities of Nigerian nationals involved in the illicit traffic.

Again, Nigeria's capability in information technology and management must reflect in her willingness to commandeer a much wider web of network and of an incomprehensible magnitude through the efficient application of information technology (computer, electronic,

telecommunication), with the UN and other States which should be aimed at successfully stamping out the drug menace. Against this backdrop, a sound co-operation that will lead to a smooth operation of the anti-drug activity will be stalled. Added to this needed effort is the utilization of the human and material resources available to Nigeria, coupled with a proper co-ordinated logistical data system towards routing the menace within her boundary and beyond.

The value of information and intelligence gathering and sharing with Nigeria and UN in order to counter the almost supra dynamic nature of the international syndicated drug traffic trade should be a major reason for interaction between NDLEA and foreign agencies and the interpol/ICPO which would form the axis on which the sharing of drug related intelligence reports of a global character would rotate.

The use of the World Wide Web or the use of Modern Communication Technology which surmounts the geographical barrier of States like Nigeria and could aid in the eradication of the global illicit drug trade favors David Mitrany's argument that sovereignty of states cannot be transferred through a formula but only through a function. We do not assert that the sovereign status or jurisdiction of Nigeria should be hijacked and transferred to a World body such as the UNO but a partial transfer of sovereignty through the spreading web of international activities especially in the area of the exchange of information and intelligence reports. With this in proper place, drug traffickers would have no hiding place, even their activities would to a higher extent be frustrated and then World Peace attained and promoted.

Most importantly , the 1988 convention against illicit Traffic in Narcotic Drugs and Psychotropic substances, obliges Nigeria to vigorously embark on all forms of co-operation with the UN and legal and administrative system of states parties towards the realization of less

bureaucratic procedures of the exchange of information and data (Iyambo, J. A. 1991, p.51, INCB Report 1995, P.3).

(h) Extradition of Illicit Drug Offenders.

The world is rapidly shrinking into even a smaller global village and there is the increased interdependence of States due to the advance in science and technology that has surmounted the physical world's space and time. Consequently, national systems do not have full control of their societies as their space is fully integrated into the international systems due to the transnational interaction facilitated by factors such as the massive airlifting of peoples from all over the world such as diplomats, drug traffickers, business men, ordinary citizens of nations, terrorists, etc, and cargoes from one end of the globe to the other. So, "the problems of extradition are bound to increase. Air traffic has made flight of a criminal easier than before and if law has to take its course and pursue the fleeing offender, extradition proceedings are necessary instrument to secure the return of the fugitive at the altar of the law. No one should be given the impression that he can treat the arms of the law with contempt" (Hingorani, Opcit. p.160). Should laizzer faire attitude be exhibited towards extradition laws, the tendency for crime commission would increase, and the offender would flee to a foreign territory where he cannot be punished except that such State where the offender takes refuge, along with the rest of the nations of the world, enforce vigorously the instrumentality of extradition (Ibid).

Extradition has been defined as the "surrender of an accused or convict by the territorial State where he is alleged to have either committed the crime or has been convicted by the same (Ibid).

Since extradition is one of the instruments used to enforce the international drug treaties, Nigeria in particular is therefore obliged to realize that:

> Each offenses enumerated in paragraphs 1 and 2 (a) (ii) of this Article shall be deemed to be included as an extraditable offense in any extradition treaty existing between parties. Parities shall undertake to include such offenses in every extraditable treaty to be concluded between them. (Introductory paragraph of article 4 of the 1972 protocol, Amendment to Article 36, paragraph 1 of the 1961 convention).

Series of drug related offenses are enumerated in Article 36 paragraph 1 and listed in paragraphs 1 and 2, subparagraph (a) clause (ii) of the 1972 protocol amending that of 1961 convention. The 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 repeatedly obliges Nigeria to be aware that: "Each of the offenses (to which this article shall be applied) shall be deemed to be included as an extraditable offense in any extradition treaty to be concluded between them" (Osinbajo,Y Opcit, p231).

The law of extradition is a dual law in that in its manifestations, it is a municipal law or determined by domestic Courts of States. While requests about extradition of criminals are made among nations, yet it is also part of International law on which forms the basis of International Commitments. We can derive from all these analysis that as rule of International law on an issue area such as illicit drug trafficking and use is adopted and prescribed for Nigeria, she is expected to recognize and incorporate such rules into her municipal law.

The treaty provisions are only effective if they are based on the platform of Bilateral and Multilateral treaties. To this, Nigeria has entered into extradition treaty agreements with States concerning the eradication of the drug menace. However, should Nigeria become a requested State, she may refuse to extradite a drug offender, if she suspects the ulterior motive of a requesting State especially for political reasons or national interests or when a reason for such

request is not sufficiently serious. Even, paragraph 2, subparagraph (b) clause (iv) clearly asserts that:

> Extradition shall be granted in conformity with the law of the party which application is made...the party shall have the right to refuse to grant the extradition in cases where the competent authorities consider that the offense is not sufficiently serious (1972 Protocol).

Again, in the light of the prevailing differences in the penal measures of the States, the difficulty in establishing a universally acceptable International treaty provisions which are to be enshrined and uniformly implemented at national courts, etcetera in regards to the issue of extradition, Nigeria is expected to, at her own discretion, decide which offense is "sufficiently serious" that would warrant and attract extradition (Article 14, Paragraph 2, Clause (iv), Amendment to article 36 of the 1961 convention, p.82 Ibid). Yet extradition should be enforced within the framework of International treaty provisions.

Extradition efforts in the International system are geared towards punishing illicit drug traffickers so that there will be no safe haven for them in any part of the world. Functional theory addresses this issue of illicit drug trafficking, expecting nations like Nigeria to address the problem plaguing mankind which is capable of corrupting Government leaders who in turn would counter the trade with laxity or legitimize it. Crime and violence hold sway in the State that is not resolute in tackling the social threat by burrowing deep under the surface of the social catastrophic reality, as to find the root cause of the chaotic situation or imbalance in States which further leads to threat to justice and fair play in the global arena. Since drug trafficking is one of the causes of insecurity and threat to the peace of mankind, extradition is a necessary global tool in achieving the yearnings of the Classical functionalists, and this is a very powerful and indispensable United Nations' structure meant for Nigeria's drug control programme.

(i) Seizure and Confiscation.

"Any drugs, substances and equipment used in or intended for the Commission of any offenses, referred to in Article 36 shall be liable to seizure and confiscation" (Article 37, 1961 convention, p.442).

Nigeria is emphatically obliged to seize and confiscate objects directly associated with the commission of the drug trafficking offenses. That is, drugs, substances and equipment meant or discovered to be involved or facilitated the illicit traffic "shall be liable to seizure and confiscation." Nigeria is expected to adopt such laws and endeavour to empower her courts to seize and confiscate property or proceeds, if it is established that the object was intended for the commission of the drug related crime. Except under legal authority, one is permitted to possess, deliver or use controlled drugs (article 33) and should, *inter alia*, be within the stipulation of article 4 that obliges Nigeria to limit the possession of drugs exclusively to medical and scientific purposes.

The drugs to be seized in article 37 are not the poppy straw and the leaves of the cannabis plant (when not accompanied by the top). However, if the straw is intended for use for the clandestine manufacture of controlled substances such as Morphine, whose manufacture is not under strict monitoring of States or relevant national authority, then seizure and confiscation must take place. It is worthy of note that there is no report of Nigeria developing to the stage of extracting Morphine out of the Poppy Straw of cannabis. What exists at the moment is the seizure and confiscation of the cultivated clandestine farms of cannabis sativa which are further destroyed-"operation burn the weeds" programme.

In the case of the cannabis leaves, States like Nigeria shall adopt such measures as may

be necessary to prevent misuse and illicit traffic in the leaves of the cannabis plant Article 28, paragraph 3, 1961).

Equipment to be seized and confiscated under the 1961 single convention, article 37, include vehicles, rail-cars, large boats, airplanes, especially if they belong to drug traffickers or owners who are not drug traffickers but gave consent to the use of their equipment for the commission of the drug offense concerned. However, the seizure and confiscation of equipment is subject to a State's jurisdictional legal perception and provisions.

The enormous profits that accrue from the illicit drug trade is the driving force behind the activities of the illicit traffickers of narcotic drugs and psychotropic substances. However, what is of "crucial importance in establishing structures for attacking the profits from the drug trade, is the ability of law enforcement agents and other governmental agencies to unravel and infiltrate the complex corporate structure, covert financial transfers (and other transactions) which have been greatly facilitated by the different bank tax and investment legislation in various countries..." (Osinbajo, Y. Opcit. 234). But the absence of a unified legal framework by nation states encourage drug traffickers to cash in on such loopholes (Ibid).

The 1988 convention embraced a crucial part of a drug related offense: Money Laundering.

Money laundering "itself is a simple term for a complex process. It is the procedure by which people attempt to conceal the true origins and ownership of the proceeds of their criminal activities by converting or `cleansing' of the ill gotten gains to make them appear legitimate" (West Africa, 1995, p.1114). These highly organized and structured drug syndicated cartels operate in an incredible efficient manner within the national economies and the international

arena. The illicit drug trafficker can commit a part of a drug related crime undetected in a country, completes the other part of the crime in another State and then takes flight to a third State to enjoy the proceeds. This he does by embarking on three deceptive steps:

"(a) Placement or physical disposing of cash through financial establishments or the retail economy; conversion of cash on the spot into other currencies, or transfer of currency abroad,

"(b) Laying or multiplying of financial transactions involving several countries, to prevent the tracing of illegal proceeds,

"(c) Integration of income of criminal origin, which, under the guise of investments in economic activity, gives it the appearance of legality". (INCB Report for 1995, Opcit).

Thus, the drug offender (trafficker) smarts his way out of the watchful eyes of law enforcement authorities who are painstakingly on the lookout for such criminals making money illegally.

When agreeing upon the 1988 convention aimed at stemming illicit traffic in narcotic drugs and psychotropic substances, Nigeria decided to adopt and even follow up anti-money laundering measures to hit the illicit drug traffickers where it would hurt them most: confiscation of their proceeds.

The 1988 Convention spells out the offenses of money laundering and a state such as Nigeria is required to seriously view these offenses, as punishable and extraditable. She is mandated not to accept, from a moral, ethical or legal perspective, the income that has been got from the drug trafficking or other related crime. To this end, Nigeria being under the obligation

of the 1988 convention must effectively implement laws that will empower her go beyond seizures to impounding or confiscation of all the enormous proceeds derived from illicit drug trafficking and to bring both the direct offenders and the facilitators to book. Dwelling on seizures of the traffickers' proceeds is inadequate and non-deterring because the load of drugs seized by law enforcement authorities further leads to an easy replacement of such seized drugs but confiscation hurts the traffickers the most when all the profits and assets are impounded, since they are highly motivated by the aggressive pursuit of the maximization of profit in which they rake in the turnover, reinvest such profits into their business for a more higher yield, and thus making a vicious circle. It is this vicious circle that the 1988 convention, regarding money laundering obliges Nigeria to vehemently break through a willing and consistent tightening up on every money-laundering activity.

While establishing the machinery of identification and tracing in order to stall money laundering, easy accessibility into banking financial or commercial records must be upheld by Nigeria and then relinquish the issue of banking secrecy.

While international mutual assistance of Nigeria to or from other States through the entering into and conclusion of bilateral and multilateral agreement is pursued towards the search, investigation, prosecution, seizure and confiscation of the proceeds from drug crimes, Nigeria is required to enter into agreements aimed at sharing seized proceeds, and at least a minimal amount of the value of confiscated proceeds and property be given as grants to governments and intergovernmental bodies, who also champion the cause of illicit drug traffic and use of narcotics and psychotropics' eradication through the UNDCP. Here, the modus operandi of such implementation should be well defined and understood, which would show a proper assessment

of results of her efforts. This should include the systematic collection and dissemination of proceeds derived from drug trafficking, as well as mechanisms to monitor the country's progress in preventing and controlling money laundering. This would make it possible to record the successes of law enforcement in seizing and confiscating proceeds derived from drug trafficking (INCB Report. Ibid. p7).

For the classical functionalists, the prevention of money-laundering is a challenge to Nigeria and the third world at large and so, the improvement of the economic and social health of the human family should be sought and pursued through the allocation of the value of the confiscated proceeds to fight illicit drug trafficking. The value of the proceeds is needed in order to treat, rehabilitate and reintegrate drug addicts into the society where they would once again become reliable citizens and future leaders of the Nigerian State. Needed also is the establishment of projects for the prevention of illicit use of controlled drugs, improvement of the capacity of her law enforcement agency in order to fight the menace and making her national and international environment a safe and secure place to live without fear of conflicts and violence, emanating from the influence of the dangerous substances trafficked within Nigeria and beyond. To entrench and boost economic development, the confiscated proceeds would need to be granted as aid to the poor people, who starve and die of deprivation of the necessities of life and are lured by the huge incomes offered by drug dealers, for the former to embark on poppy, cannabis etcetera farming. The proceeds confiscated from these dealers could be used for crop substitution programmes. Once this is done, through more intensified co-operation with the UN implementing vigorously the international drug treaty provisions towards confiscating the proceeds from money-laundering, the strength of organised crime and the production of and traffic in narcotic drugs

and psychotropic substances will be muzzled.

(j) Application of Stricter National Control Measures than those Required by Convention.

This is a structure put in place by the UN which must be adopted by a State interested in imposing a stricter control against the traffic in Narcotic drugs and the illicit use. Article 39 of the 1961 single convention provides that:

> Not withstanding anything contained in this convention, a party shall not be precluded from adopting measures of control more strict or severe than those provided by this convention and in particular from requiring that preparations in Schedule III or such of the measures of control applicable to drugs in Schedule I as in its opinions is necessary or desirable for the protection of the Public Health or Welfare.

A State, within the judicial limits of its jurisdiction could adopt measures it feels should replace or be more prohibitive than the one already provided. If in course of implementing those measures in the 1971 convention on psychotropic substances, whose

(a) Schedule I aims at prohibiting psychotropic substances except for scientific and only medical purpose which help in the relief of pain and suffering, and which must be made available by an appropriate and relevant authority and under proper monitoring;

(b) Schedule II includes those substances that stimulate the CNS and their preparations, which could be diverted from legal channels and then trafficked;

(c) Schedule III and IV cover pharmaceutical drugs but becomes dangerous when ingested without due prescription from physicians.

A State that sees that the existing prohibitive and control measures which directly intervenes in the normative life of the citizens have not restrained the illicit traffickers and users

of narcotic drugs and psychotropic substances, the welfare of its citizens is threatened, the economic and social structure is loosing its foothold, then a review of its own legal status of those controlled drugs and the nature of the drug related offenses earlier created is essentially needed. To this end, the stricter or severe regulatory and prohibitive measures recreated may usher in a threat of punishment for drug trafficking offenses such as the imposition of death penalty in place of imprisonment. In the case of Nigeria for example, Decree No. 20 was promulgated in 1985, making illicit drug trafficking an offense attracting capital punishment, until it was abrogated in 1986.

The functional theory advocates the total war against illicit traffic and use of narcotics and psychotropics. The philosophy of this theory aims at uprooting the causes of the drug problem, thus alleviating mankind's pain and suffering from poverty, improving the health system, further integrating the ex-addicts who were once wrecked by the malady of the drug menace, into the society, etcetera. It is therefore not surprising if a State puts a tighter rein towards the prevention of further effects of illicit use and the repression of illicit trafficking and money-laundering, thereby keeping at bay those merchants of deadly drugs and substances whose business thrive on the patronage from consumers or users.

(k) Regional and Inter-Regional Co-operation.

In pursuance of the relevant United Nations resolution on the extirpation of the global illicit drug traffic, regional and Interregional co-operation is a structure put in place by the UN for Nigeria towards the eradication of illicit drug trafficking. Article 16 of the 1972 protocol adopts therefore an agreement on regional centres, stating that:

> If a party considers it desirable as part of its action against the illicit traffic in drugs having due regard to its constitutional, legal and administrative systems and if it so desires with the technical advice of the Board of the specialized agencies, it shall promote the establishment of consultation with other interested parties in the region of agreement which contemplate the development of regional centers for scientific research and education to combat the problems resulting from the illicit use of traffic drugs.

For such a challenging and Herculean task of instituting regional co-operation, Article 16 of the 1972 protocol does not make it mandatory for Nigeria, a case of our study, to adopt this provision towards the elimination of illicit drug trafficking but presses that a greater impact on the conventions aimed at eradicating illicit drug trafficking be made, should she see it desirable to agree to enforce the provision. It implores the National Drug Law Enforcement Agency to co-operate with other Drug Law Enforcement Agencies of other States parties to fight and destroy illicit trafficking activities and financial crimes so that the global speedy transportation of drugs will be greatly obstructed, since the trade is secretly organized and operated by highly influential syndicated drug cartels, who "collate logistics, select appropriate routes, appoint regional co-ordinators and also explore ways of securing immunity from law enforcement" (Ahire, P. T. 1991, p.140). To counter the hyper schemings of the Cartels, Nigeria is to establish agreements with other States as a matter of necessity and develop the regional centers which has to be promoted along the line of their mutual interests and along the inclusion of interested third parties. Nigeria must make these moves with other States, especially those of the West African subregion, taking due consideration to those States' constitutional, legal and administrative systems at the same time seeking the technical advise of INCB, specialized agencies such as the UNDCP, the Commission of Narcotic Drugs or the NGOs. At the end , the frontiers of the regional States may be free of such illicit trade.

Nigeria's joint operation and proper co-ordination with the other parties can only be facilitated through the signing of bilateral and multilateral agreements that will objectively guide the regional centers for the purpose of embarking on scientific research from the natural, social sciences, applied sciences and education, to eliminate the menace of illicit drug use and trafficking (Emafo, Opcit. p.68).

Such regional centers can be authorized by parties to develop record systems which would facilitate the exchange of information on the interdiction effort amongst the parties.

The recurrence in the effective contacts and activities of regional groups in the campaign against illicit drug trafficking would gradually spill over into the inter-regional sphere of co-operation which ultimately leads to the "increase in the availability of rapid, secure and accurate means of communication for law enforcement" (The United Nations and Drug Abuse Control Opcit. p.96).

The concentric theory of the functionalists promote the essence of Nigeria and other States forming and operationalising regional centers, so as to promote economic, social and humanitarian issues, which would eventually culminate into inter-regional and then global efforts towards the eradication of illicit traffic in drugs. The good effect of developing issue areas related to human welfare will expand like ripples to solving political problems. This essence of gradual attainment of regional, inter-regional and international co-operation portrays interdependency in the global village in the area of drug eradication related issues. Interdependency here applies to outlining workable strategies that will be instrumental in breaking the backbone of powerful drug cartels which operate behind the scenes. With this solid move, illicit drug trafficking being one of the maladies of our time, which pose a threat to economic, social, humanitarian and cultural

and even political structures of Nigeria and the global community would be eliminated.

We have seen how Nigeria can particularly make positive response to the UN entrenchment of structures which are aimed at stamping out the illicit drug traffic in line with the treaty obligations, which must be enforced through her entering bilateral and multilateral co-operation agreements, and are necessary supplements to the international accords made towards the eradication of the illicit traffic in Narcotic drugs and psychotropic substances.

In the next session, we will discuss the extent to which the UN has assisted Nigeria towards the eradication of illicit drug trafficking and use.

4.04 The United Nation's Assistance to Nigeria's Drug Control Programme.

In her effort to help States fulfil their treaty obligations and effectively eradicate the drug threat plaguing their societies, the United Nations has seen the need to lend technical assistance to them so that mankind could be free from the problem. To this end, the UN established an agency, United Nations International Drug Control Programme (UNDCP) to facilitate the fight against the illicit drug trafficking and use world wide, since its philosophy aims at attacking the drug problem in its various forms right from the root, thus entrenching in the world, social, economic and humanitarian progress, peace and security.

Since the UNDCP which represents the UN ensures that all the treaties related to drug control in countries are effectively implemented, she has moved towards ensuring that there be entrenchment of social and economic development in Nigeria so that poverty could be reduced drastically, thus discouraging some Nigerians from involving in the illicit drug traffic and use. It therefore aims at reviving the nation's health system especially in the area of treatment,

rehabilitation and social integration of identified illicit drug users, assisting Nigeria in the review and updating of the drug control legislation so as to achieve a vigorous drug control programme, boosting the educational system where pupils and students will fare in a drug free society and be a positive influence on the future Nigeria and reducing unemployment. UNDCP's aims in Nigeria is in line with the classical functionalists' view that economic, social and humanitarian issues be tackled first which would then lead to the solution of problems of political nature, thus encouraging peace and security.

With the UNDCP office upgraded to a full status in Nigeria by the UN, the UNDCP has gone a long way assisting Nigeria to tackle the drug problem.

(A) In fully developing the DDRU of NDLEA to an efficient status, the UNDCP mapped out and operationalized a comprehensive strategy to enhance drug demand reduction by working closely with NDLEA.

First, UNDCP provided fair treatment and rehabilitation centres for identified drug addicts or drug dependent persons under the project AD/NIR/88/496. In 1992 and 1993, this assistance was exemplified when the agency set up and commissioned two pilot rehabilitation centres at Uselu Psychiatric Hospital in Benin and Yaba Psychiatric Hospital in Lagos respectively. In addition, vocational rehabilitation equipment were installed to boost the treatment of drug victims. Again, in 1995 three other community-based drug rehabilitation centres in Maiduguri in Borno state, Minna in Niger state and Ahoada in Rivers state were established and commissioned (Umaru,A. 1994, p.11; Musa,B. 1997, p.31). This is done in accordance with the UN mandate in article 38(1) of 1961 convention, 15, amendment to 38(1) of 1961 convention, 1972 protocol and 1988 convention.

Again, UNDCP has been helping to organize participatory workshops in collaboration with NDLEA so that drug demand could be reduced. In 1993 for example, UNDCP facilitated workshops for health workers on treatment and rehabilitation for identified drug dependent persons, thus acquainting the health personnel on the use and maintenance of the equipment meant for effective functioning of the rehabilitation homes or centres (Umaru, A. Ibid). For Shariq Bin Raza, the UNDCP representative in Nigeria, the reports from these series of organised workshops will serve as guidelines in drug demand reduction since they have been officially released in Abuja in 1997.

Lastly, UNDCP collaborates with and assists NDLEA to establish linkages with the treatment and rehabilitation centers and NGOs so that drug dependent persons can be referred to such centers.

(B) Embarking on preventive education, the UNDCP under her project 486, spread her programmes over three quarters for easy implementation.

In 1991,UNDCP organized a two-day National Workshop and assisted in the production of campaign materials which were distributed to states' drug abuse control committees. The production of variety of public enlightenment or awareness and preventive materials were funded by UNDCP which include posters, films, stickers, badges, conference bags, souvenirs, drug information brochure, radio and television vignettes, tee-shirts. These developed materials facilitated NDLEA's anti-drug use and trafficking campaign nation wide. Vehicles, computers and equipment were also provided by the UNDCP for NDLEA so that the latter could live up to its responsibility in her drug control programmes.

In 1992, the second quarter project 486 of UNDCP was the granting of monetary grants

to 16 states' drug abuse control committees which had earlier participated in the two day national workshop organised by UNDCP in the first quarter. The Agency also facilitated the launching of Drug-free Clubs in the secondary schools and tertiary institutions so as to ensure and achieve proper drug education awareness and the entrenching of a healthy academic atmosphere where youths could excel in their academic endeavour.

1993 saw the UNDCP's 3rd quarter project 486 being heightened, which dealt with the awareness and preventive education programme for NDLEA. Here, illuminated panels were designed and erected at the lounges of Lagos, Abuja, Kano and Port-Harcourt International airports. In addition, anti-drug video advertising project involving the use of close video circuit covering the network of the airports were installed. This is aimed at targeting and arresting illicit drug traffickers (Umaru, A.Ibid. p.9).

(C) UNDCP has assisted Nigeria in the latter's interdiction efforts by strengthening the operational capabilities of the anti-drug trafficking units of NDLEA and the training of human resources. The UNDCP has increasingly assisted NDLEA towards the reduction of illicit importation of narcotic drugs and psychotropic substances which is aimed at the United Nations' standard. To this end, UNDCP

(i) provided NDLEA with training, drug testing/drug identification kits,

(ii) supplied NDLEA with wireless systems for effective communication to boost drug control efforts,

(iii) assisted NDLEA to establish a drug intelligence data base which has been installed at NDLEA headquarters in Abuja. This is aimed at facilitating the effective operations of NDLEA's operations of drug control programme.

(iv) supplied equipment such as computers for storage and easy retrieval of information and vehicles for extensive border patrol to facilitate NDLEA's activities,

(v) provided opportunity for NDLEA officers to attend several specialized training courses, even short term workshops in Cote-D'Ivore, Namibia, London and other parts of the globe. Most specifically is the course attended by NDLEA officers in Turkey and USA where they were trained in drug interdiction, scientific drug analysis and identification, investigation and surveillance. These officers were trained in their various designated roles and functions that is aimed at making NDLEA a virile organization.

(D) provides assistance to NGOs through the funding of small projects in the field of street children and research in conjunction with *UNICEF*,

(E) sponsors Nigerian researchers, NGOs, government officers to workshops and seminars all over the world,

(F) designated NDLEA academy on the Rikkos layout Jos which was established in 1991 to a Regional Training Centre,

(G) helped and assisted NDLEA and the Interministerial Committee towards the birth and development or the making of the National Drug Control Strategy Document (NDCS) so that Nigeria's drug control strategy would have a master plan. In this way, the enormous and complicated nature of drug control would be greatly facilitated (Bassey, O. et al, 1998 p.43; Musa,B. opcit. pp.33&66; NDLEA:Policies and Programmes, opcit. p.10).

In rendering her assistance to Nigeria, towards the eradication of the illicit traffic and use of narcotic drugs and psychotropic substances, the UNDCP has applied the theory of classical functionalism in that, working towards the inward development of Nigeria, areas of assistance

rendered, focus on the attention given to the social and humanitarian issues which invariably leads to the solution of the problems that are political in nature yet within the framework of the eradication of the drug problem in Nigeria.

In the next section, we will look at the role of the UN organs and agencies in the campaign against illicit drug trafficking.

4.05 The Place of the UN Organs and Agencies in the Eradication of Illicit Drug Trafficking

The United Nation's formation is made on the basic principle of bringing all peace-loving nations under one umbrella which have respect for the obligation of the charter and are willing to carry out its obligations. It is the obligations of the charter that form the bedrock on which their actions are performed, so that the common goals pursued such as economic, social and humanitarian development, would be attained.

Such a global disease as illicit drug trafficking needs a serious cure. To this end, the United Nations essentially has designed strategies that guides it in its effort in the campaign, yet effective result oriented implementation of those strategies hinge on the willingness and active participation of member States such as Nigeria. The UN's efforts in dealing with the problem is channelled through organs and agencies which are assigned specific roles in achieving the eradication of the illicit traffic and use. Thus, peace and security are entrenched in the world. Some of these bodies are "created for specific drug control purposes, others lend their expertise on particular aspect of the problem. These bodies are committed to working together in close co-operation to provide a broad overall effort to dealing with the world wide drug plague" (United

Nations and drug Abuse Control. Opcit. p.79). They are:

(a) The General Assembly:

The United Nations General Assembly is a body which is composed of representatives of each member State. It adopts resolutions, conventions and protocols, at the same time, approves funds and serves as a forum through which States express their views. It is the General Assembly that convened ICDAIT of 1987 which called on States to see the adverse effect illicit traffic and use of narcotic drugs and psychotropic substances have had on the economic, social, political and cultural structure of the States and the threat they exert on their Sovereignty and security. In this vein, States were asked to strengthen the existing International activities in the field of drug control through their action and co-operation at all levels so as to eliminate the drug problem (Emafo, P. Opcit. p.67).

(b) ECOSOC:

Established in 1964, the council furnishes the UN with information and advice on issues and problems relating to strategies meant to control the drug menace globally, ranging from economic and social programmes of the UN, to the creation and implementation of treaties, agreements, and conventions on narcotic drugs and psychotropic substances (Maduagwu, M.O. et al, 1995. p.49).

The Ecosoc recommends Governments to utilize the opportunity provided to seek technical assistance from the UN towards combatting the narcotic problems. This technical assistance ranges from the "provision of experts, training for national officials concerned with consultative and training missions to selected groups of countries and fellowships for the study of regional problems, also for training in the treatment and rehabilitation of addicts to officials

concerned with law enforcement and to chemists and pharmacists for training in chemical control methods" (Oye, C. Opcit. p.99).

(c) Commission on Narcotic Drugs (CND):

The CND is one of the functional commissions of Ecosoc. Being the Central-policy making body within the UN system, it studies the questions related to the control of illicit use of drugs. It also functions within the ambit of three most recent conventions and protocol, ensuring that all matters that pertain to the aims of the treaties and the implementation of their provisions are considered when necessary, making recommendations to Ecosoc on how narcotic drugs and psychotropic substances should be placed under international control as recommended by WHO. This further unfolds to the amendment of schedules annexed to the international treaties so as to delete any substance from international control or change the regime of control to which those drugs are subject. The global situation of the drug phenomenon are reviewed and recommendations on how to strengthen international drug control, including putting forth proposals for new treaties, are made by the CND (United Nations and Drug Abuse Control, 1992, p.80; Basic Facts About the United Nations, 1995, p.80).

The CND under the auspices of the UN formulated the International Drug Abuse Control Strategy which contains a basic five year (1982-1986) programme of action aimed at addressing drug control issues such as the illicit use, trafficking, treatment, rehabilitation and crop substitution, at the same time, mapping out strategies for member States to act.

The CND has subsidiary bodies that enhance law enforcement at the regional levels such as the sub Commission on illicit drug traffic and related matters in the Near Middle East. Another is HONLEA, which is meant to bring together and unite all the Heads of Drug Law

Enforcement Agencies from the regions of the world such as Asia and the Pacific, Africa, Latin America, Caribbean and Europe. The desire for co-operation amongst HONLEA is meant to consolidate co-operation amongst all the regions of the world towards fulfilling the obligations of the UN, towards the eradication of the illicit drug trafficking and use (United Nations and Drug Abuse Control, Ibid, p.81).

(d) The Division of Narcotic Drugs (DND):

Created in 1946, DND "acts as secretariat to the Commission, and serves as the central repository in the United Nations of professional and technical expertise in drug control" (Everyone's United Nations. p.263, 1986). It strives to oversee the operation of various drug control projects and programmes and co-ordinates the efforts essentially needed from other agencies and organizations of the United Nations. A functional part of the Division is the United Nations Narcotic Laboratory which specializes in the research of drug chemistry and classification methods, and further compiles scientific literature (Ibid).

(e) INCB:

Set up by the 1961 single convention on Narcotic Drugs, INCB began its operation in 1968. The functions were broadened under the 1972 protocol. It derives its mandate from the independent and quasi-judicial role given to it by the 1961 single convention, the 1972 protocol and 1971 psychotropic substances convention.

The Board is empowered to limit the cultivation, production, manufacture and utilization of drugs. It ensures that drugs are strictly controlled but made available just for only medical and scientific purpose.

In carrying out the responsibilities assigned to it under the international conventions on

narcotic drugs, the Board strives to hold consistent dialogues with Governments, expecting them to furnish it with accurate information regarding the illicit movement of narcotic drugs. This indicates to the Board whether states have strictly limited the manufacture and importation of narcotic drugs to the required exclusive amount for medical and scientific use, as laid down in the provisions recommended in the conventions. This will also show whether or not the states have observed the order of the Board aimed at preventing the diversion of narcotic drugs into illicit channels.

The Board also publishes the annual supplied information from states which the latter are to use to verify whether or not they have adequately applied the provisions laid out in the conventions (INCB report, 1995; p.9).

To ensure that the provisions of the international convention on narcotic drugs are implemented, the Board requires states to send statistical data on seizures of drugs and disposal thereof to it, annually, which must comprise the substance and quantity seized, the quantity destroyed and the quantity used for licit purposes. This obligation is an indispensable tool for knowing the magnitude of the illicit drug traffic and may serve as an indicator of the effectiveness of a given national drug control administration (Ibid. p.11).

The board provides measures for the quantification of global drug control world wide. By implication INCB requires states parties to the convention and third states to furnish her with the estimates of narcotic needs for medical and scientific purposes for the coming year and calls for remedial measures if the purpose of the convention are not strictly pursued (United Nations and Drug Abuse COntrol, Ibid. p.54).

The Board maintains diplomatic dialogues with Governments which are realized through

regular consultation and through special missions arranged in agreement with the Governments convened. INCB's display of "quiet diplomacy" has consolidated the legislation of most states concerning psychotropic substances, and inculcating into states the need to properly co-ordinate their national drug control efforts.

With financial assistance from the UNDCP and from extra budgetary funds provided by several Governments, the Board arranges training programmes for drug control administrators from developing countries. These officials receive training on the implementation, of treaty provision relating to parties' co-operation with the Board. Regional training seminars have been instrumental in improving co-operation from participating states but have also served to enhance collaboration among the countries within the region.

The preparation of annual reports containing an assessment of World situation and recommendations to states are carried out by the Board. It then submits the annual reports to Ecosoc through the CND. The report is supplemented by two detailed technical reports providing data on the licit movement of narcotic drugs and psychotropic substances required for medical and scientific purposes, together with the Board's analysis of the information. Lastly, the Board monitors substances used in the illicit manufacture of narcotic drugs and psychotropic substances as mandated by the 1988 convention (Ibid, p.83).

(f) UNDCP:

The agency, United Nations International Drug Control Programme was established in 1990 in pursuance to the resolution 45/179 of 21st December, 1990, which became operational in 1991. It was drafted by the General Assembly. The establishment of UNDCP was geared towards improving the structures for drug control.

UNDCP is a medium through which the expertise and information regarding illicit traffic and use of drug control is firmly and globally based, and essentially monitors developments in the sphere of drug control which further determines the next line of action to be made or recommended to Governments, at the same time, rendering technical assistance to states. UNCDP works with ECOSOC, the General Assembly, including specialized agencies and other bodies of the UN involved in drug control. The promotion for the observance of the United Nations Decade against the illicit use of drugs (1991-2000) pivots around UNDCP (Basic Facts About the United Nations, Ibid. pp.180-1).

Most importantly, the multifaceted nature of the drug phenomenon gingers UNDCP to facilitate the implementation of the international treaties aimed at controlling the drug menace, which invariably should reflect in the drug demand reduction, the suppression of the illicit traffic in narcotics and psychotropics, involvement in integrated rural development and crop substitution programmes, so that agricultural activities in relation to narcotic crops by farmers for economic gains would be discouraged. This is to make their sources of income legitimate and consequently have their living standards improved. While pursuing its full development oriented approach, UNDCP seeks to alleviate poverty, restructure the health system of states, update their legislation and reduce unemployment. Again "the strengthening of in-country research institutions, human resources and the educational system also represent the areas within which UNDCP directs its specialized assistance" (Buckingham, A. 1995, p.8).

UNDCP's effort is the issue functional theory advocates. The act of attacking the very roots of the drug problem, is the philosophy of this UN agency and so, the functional theory in support of UNDCP's philosophy emphasizes that it is a way of permeating through jealousy

guarded sovereignties and for establishing the ground work for peace in the international community. The pervasive effect of functionalism in every part of the world does outdistance and outlast a military approach while pursuing world peace and security. The application of welfare state philosophy to the international sphere, the responsibility of international agencies in rendering services rather than imposing controls towards the eradication of social, humanitarian and economic problems is very much shared by UNDCP. The philosophy of UNDCP and the classical functionalists, we must reiterate here, is burrowing deep under the surface of reality to find the root causes of war or conflicts and this is the best way to tackle world problems such as illicit drug trafficking and use. Thus, the functionalists and UNDCP seem "to emerge from the diagnosis clinic, not the drug counter of the international movement" (Inis Claude, Opcit).

UNDCP is required to render legal and training assistance to states so as to combat money-laundering. This was the mandate CND gave UNDCP in 1995, in its resolution 9 (xxxviii) "in cooperation with the crime prevention and criminal Justice Branch, to provide requesting states technical assistance in the training of judicial and investigative personnel and assistance in the prevention and control of money-laundering and illicit transfer of assets" (INCB Report, Opcit p.5). Not only requesting states that benefit from UNDCP in the offer of assistance in legal matters, intergovernmental agencies, NGOs and private sectors benefit also. Apart from legal assistance, UNDCP offers assistance in the treatment, rehabilitation and social integration of drug addicts, so that the structures set in place by states and other organizations could be enhanced to the expected capacity, which is aimed at tackling illicit use of narcotic drugs and psychotropic substances.

The various activities of specialized agencies and United Nations projects towards the

global control of the drug menace are co-ordinated by UNDCP. It also bolsters the meetings of CND and INCB.

Lastly, UNDCP promotes regional and interregional co-operation towards the development and implementation of programmes aimed at reducing or eradicating illicit cultivation, production, manufacture, traffic and use of drugs, and improving effectiveness of controls over the illicit supply of drugs (Ibid; United Nations and Drug Abuse Control; Opcit. p.86).

(g) UNFDAC:

This Agency was originally established by the Secretary-General as United Nations Fund for Drug Abuse Control (UNFDAC) and was endorsed by the General Assembly resolution 2719 of December, 1970. However, it was reinforced by the General Assembly resolution 46/185c Section xvi of 20th December, 1991, as the Fund of the United Nations International Drug Control Programme.

Major or larger fund within the UN system is sourced from the fund which is made possible by voluntary contributions made by member States and private organizations. These contributions are in "freely useable currencies, in non-convertible currencies if usable for particular projects, and also for specific use designated by the donor. Contributions in kind such as the provision of personnel and the supply of equipment can be accepted" (Shurmann, C.W.A. 1973, p.5). It is from the Fund that financial and technical assistance mainly to requesting developing countries are provided. These assistance could be short-term and long-term plans and programmes, especially if it is in the area of crop replacement project and community development which, when successfully replaced becomes a better financial benefit to the farmers concerned.

In order for the United Nations to vigorously beat up the dynamic nature of the illicit drug traffic and use in the world, UNFDAC furnishes the UN with extra budgetary resources it needs for such a challenging program (Basic Facts About the United Nations, Opcit. p.181; United Nations and Drug Abuse Control, Opcit. pp.51-2).

The assistance from the Fund is also used for the reinforcement of Governments' efforts at eradicating illicit trafficking, undertaking of drug education, setting up of health institutions, prevention, treatment and rehabilitation programmes and socially integrating drug addicts, engaging in training programmes so as to enable drug law enforcement officers to be more effective in easily detecting the illicit cultivation, traffic and in use of drugs.

UNFDAC is one of those international regimes that has been created to functionally deal with issue areas such as illicit traffic and use of drugs, whose spreading web of international activity and creating positive impact on states, based on their own willingness, will benefit them economically and socially and finally tackling political problems and entrenching world peace.

There are other specialized agencies and organizations of the UN system who out of their specially and unique functions informing their formation have felt the need to equally lend helping hands by designing and developing programmes aimed at eliminating the multifaceted and negative nature of the global threat that is ebbing away the life of, particularly, youths of states.

The CSDHA, being a part of the Development of the International Economic and Social Affairs and in co-partnership with UNDCP, focuses on how illicit drug use has meted devastating effects on the social development, integration and increased criminality in societies.

Specialized agencies such as ILO embarks on drug control activities related to

employment and welfare of workers, vocational rehabilitation of drug addicts, despatching a team of experts who execute the projects in the countries in need of assistance in drug control. ILO is assisted and funded in relation to these programmes with UNDCP, WHO and UNDP.

WHO involves in medical projects which are geared towards tackling the problem of drug dependence, thereby executing the obligations expected of it by the international drug control treaties. It decides which substance should be placed under international control in compliance with the 1961 single convention on Narcotic Drugs and the 1971 convention on psychotropic substances, which further aims at subjecting these substances to only medical and scientific use. WHO looks at the precarious nature of the drug problem on the public health and social stability of states, working in conjunction with UNDCP, developing guidelines and manuals for teachers, health professionals etcetera, for states.

UNESCO works towards preventing illicit drug use through public education and educational projects, advocating the integration of preventive education concerning illicit drug use into school curricula and out-of-school education of states so that the vulnerable youths and adults would not become victims of the illicit drug traffickers' move to making huge profits out of the former's patronage. The Agency trains teachers, provides audio-visual and written educational materials which are aimed at enlightening the population of respective states on the dangers of illicit use and trafficking. "UNESCO works with media organizations in the production of radio and television programmes and audio-visual products" (United Nations And Drug Abuse Control, Ibid. p.91). It works in collaboration with UNDCP in implementing research projects on the endemic nature of illicit use of drugs and how to prevent such occurrence in Africa, Asia and the pacific, and Latin America and the Caribbean.

Specialized agencies such as the International Maritime Organization (IMO) focuses on the increasing quantities of drugs, surreptitiously transported by sea or ocean moving vessels from one state to another, the ICAO aims at preventing and suppressing illicit traffic of drugs by air globally, the UPU in conjunction with CCC adopt measures against illicit transport of narcotic drugs through mails. FAO with the support of UNDCP concerns itself with crop replacement projects by lending its expertise to farmers of states, so that farmers could embark on legitimate agricultural ventures, raise their income and shun the tendency to cultivate narcotic crops, not minding the lucrativeness of such agricultural exercise of narcotic crops. Here, UNDCP helps the national authorities of these farmers and FAO to stamp out the menace from the cultivation stage to consumption stage.

UNIDO, a recently established agency works with UNDCP "to ensure that its industry-promoting technical co-operation projects, such as upgrading technology for the manufacture of drug products for medical and scientific use are consistent with the requirement of the international drug control treaties" (United Nations And Drug Abuse Control. Opcit p.93). Other agencies that include drug control activities in their functions in the UN system are UNICEF, UNDP, WFP, ICPO/interpol.

The functionalists' idea of world peace through a spreading web of international activities, which are made possible through the creation of complex related international regimes dealing with particular issue areas, portray that the world body (United Nations) is not made up of one part but of many and in carrying out their "various sub-mandates, the `arms' and `hands' of the UN system can only collaborate and co-operate rather than compete in the field since the goals are co-terminous" (Badjan-Young, J. 1995, p.4).

Amidst the seeming convoluted labyrinth of functional activities in the UN and the specialized Agencies, Funds, Commissions and Programmes, the preservation, promotion and strengthening of global security show that, as supplementing arms of the UN, it is their ultimate goal to see (though each is unique and different in its mode of formation and function) to the promotion of peace, development, health, child survival, workers' welfare, relief for refugees, environmental protection, population planning and food security, since the multifaceted nature of the drug problem is a threat to mankind, which invariably could impede the realization of their various functions. Hence, the clarion call, that the UN Organs and agencies embark on this Herculean task of dealing with the problems associated with the illicit use and trafficking in drugs. Some of these Organs and agencies formed for specific drug control purposes, are implored to lend their expertise on particular aspects of the problem in close co-operation with nation states and in particular Nigeria. The close co-operation is expected to be exercised within the ambit of the obligations emanating from treaties - a part of the international law, meant to control illicit drug use and trafficking. The call for co-operation amongst the different parts of the UN towards the eradication of the drug menace is needed because of the permeating and pervasive nature of the problem, which would certainly wreck the lives of as many vulnerable victims as possible whom these Agencies were created to serve as well.

This then means that their own unique goals and functions at the neglect of the control of the world wide plague would greatly be impeded (Ibid; p.79).

4.06 Summary

In this chapter, we looked at the structures put in place by the United Nations and her assistance to Nigeria's Drug Control Programme. First, from our analysis, we realized that for co-operation to become meaningful between the UN and Nigeria towards the eradication of illicit trafficking and use of narcotic drugs and psychotropic substances, Nigeria has to partially transfer her jurisdiction to the UN through a functional co-operation so that there would be social, economic and humanitarian progress, averting problems of political nature and thus entrenching peace and security for her citizens and beyond. This effort should further lead to entering and concluding treaties and following the spirit of the convention.

Second, we also saw that treaties and conventions were structured and laid down by the UN which must be exploited by Nigeria to succeed in her drug control programme. Such avenues among other things include seeking international assistance, implementing the UN provisions that mandate Nigeria to limit the trade and use of controlled drugs, rehabilitation of drug addicts, exchange of information, etcetera.

Third, we discussed the extent to which the UN has assisted Nigeria at eradicating the drug problem so that Nigeria's effective implementation of the UN drug treaty laws would be ensured.

Finally, we looked at the role of UN Agencies and Organs at eradicating the drug problem.

How has Nigeria exploited the provisions put forward by the UN towards the eradication of drug trafficking? We would examine these and more in the next chapter.

CHAPTER FIVE

STRATEGIES ADOPTED BY NIGERIA TOWARDS THE ERADICATION OF ILLICIT DRUG TRAFFICKING

5.01 Introduction

In the last chapter, we examined the essence of Nigeria using her jurisdiction and sovereignty in her co-operation with the UN so that the drug problem could be successfully eradicated, the avenues provided by the UN for Nigeria's successful and purposeful drug control campaign, the extent to which the United Nations has rendered assistance to Nigeria in eradicating the drug problem and the role of the UN Organs and Agencies at extirpating the drug problem.

In this chapter, we would want to examine or investigate how the provisions put forward by the UN towards the eradication of drug trafficking has been adopted by Nigeria. Then we would look at the impediments to Nigeria's collaborative efforts with the United Nations towards the stamping out of the drug menace.

5.02 Adopted Strategies of Nigeria on the Effectiveness of the Convention

(1) The Ratification of Treaties

The pervasive drug problem has gone beyond national efforts in leaps and bounds and has become a global issue, needing realistic campaign for its elimination by the International community. To this end, Nigeria ratified the main International treaties or conventions in order to tackle the issue of drug trafficking and use. The 1961 single convention on Narcotic drugs (as amended), which entered on the 13th of December, 1964 was ratified by Nigeria on the 6th of

June, 1969.The 1971 convention on psychotropic substance was ratified by Nigeria on the 23rd of June, 1981. Then Nigeria ratified the 1988 convention against the illicit traffic on narcotic drugs and psychotropic substance which was concluded in Vienna, on the 20th December, 1988.Nigeria was the third country to ratify the 1971 and 1988 conventions (Osinbajo, Y, 1991, p.245; Daily Times, 1990 p.4). By implication, the ratification of the 1988 convention particularly, since it reinforces all the conventions, points to the fact that Nigeria has agreed to be part of the solution of the global plague. Aware that no mismated alliances has been made but that of mutual and compatible agreements, the intensification of her cooperation while in pursuit of that active and harmonious global purpose, through the adoption of the provisions of the international drug laws and obligations into her domestic laws, and keeping the spirit and the intentions of the convention, active and alive (Higdon, Paul, 1995, pp. 31-2; Akagbosu, C.T. 1995, pp. 11-2).

Having become party to the conventions, Nigeria saw the need to adopt appropriate legislation, aimed at establishing an administrative agency that will enforce measures against the drug phenomenon in Nigeria and further link up and co-operate with the other parties in the international community, at the same time working with the relevant and competent established international organizations, towards achieving that peaceful order that is evident of the functional theory, whereby the promotion of economic and social health of the human family would eradicate the tendency or the prevalence of conflicts and war. Thus, for the proper facilitation of the two way traffic coming from the spreading web of international activities, a specialized central drug control agency was created in Nigeria.

(2) The Formation of the Agency

Prior to the formation of a central agency, the formulation and implementation of Nigeria's drug laws and policies towards the fulfillment of the treaty obligations were carried out by the Ministries of Health, Justice, Internal Affairs, Police, Customs and the immigration services. Therefore, the formulation and the implementation of drug laws and policies became haphazard in focus. To this end, a need arose to create a central institution for a proper and purposeful co-ordination of all the efforts of the various institutions and agencies that has engaged in the illicit drug trafficking control. So, NDLEA was established by the Federal Military Government of Nigeria under Decree No.48 of 1989 and its Amendment Decree No. 33 of 1990, so that there would be an effective and meaningful elimination of the illicit traffic and use of Narcotic drugs and psychotropic substances, in Nigeria. As a legal entity and organ, NDLEA is to look at the prevailing drug phenomenon in Nigeria as confirmed by the preamble of Decree 48 of 1989, paragraph (H) (p. 426), design and implement policies and programmes in order to stamp out the supply and demand for these controlled drugs in the country. In a more clearer manner, NDLEA's scope of operation is of international dimension but of national significance, since the provisions of Decree No 48 of 1989 is adopted along the lines of the 1988 convention, thus preparing and fertilizing the ground for the projection of her national functional sphere into the international arena, with other states parties to the conventions and the international agencies, who must render their services on such prepared ground and bringing about the good life, peace and security in the fight against the drug menace in Nigeria.

Having been established, NDLEA was made to consist of the following:

(a) a Chairman

(b) a representative of the Nigerian Police Force, not below the rank of an Assistant Inspector - General;

(c) the Director, Military Intelligence;

(d) the Director of Customs and Excise;

(e) the Director, state security service;

(f) a representative of the Federal Ministry of Justice not below the rank of Director;

(g) the Director General, National Intelligence Agency;

(h) a representative, each from the Ministries of External Affairs, and Health, not below the rank of Directors, and

(i) three other persons (Decree 48, section 2; pp. 426-7)

The functions of the Agency and the special powers conferred upon her are outlined in sections 3 and 4 respectively.

(3) Establishment of Special Units

In pursuance of its objectives as contained in the Decree 48 of 1989 establishing NDLEA and for effective conduct of the Agency, four specialized units were created namely:

(i) General and Asset Investigations,

(ii) Prosecution,

(iii) Drug Demand Reduction,

(iv) Training Research and Development. (Decree 48, Section 6: pp. 429-30)

(i) General and Asset Investigations

This unit has two subunits:

(a) Supply Reduction.

(b) Assets investigations.

While embarking on supply reduction, battle is launched against the illicit importers and exporters of controlled drugs. This is done through the adoption of stringent or punitive measures which are aimed at regulating and controlling the activities of suppliers, dealers and users of narcotic drugs and psychotropic substances. That is, strategies are designed to check the procurement of these controlled substances such as cocaine, heroin, etcetera, and stemming the distribution and re-exportation of drugs, which traffickers had surreptitiously imported into the country from the Golden Triangle and Crescent countries, are embarked upon. Efforts are made also not to allow Nigeria become a fast growing producer nation of Indian hemp. This is realized through the "Operation burn the weeds" strategy. Other areas of impact are the mounting of surveillance, intelligence networks, detective and investigative outfits at the airports, seaports borders, the hinterland and high risk areas which serve for the traffickers as areas for repackaging and distribution of the controlled drugs. This is to facilitate the identification of the key sources, routes and principal actors in the illicit drug trade. Once these are discreetly done, arrests are made, investigations carried out, prosecution, searches and seizures are finally done. Nigerians travelling to drug producing countries are made to undergo visa screening exercise and some form of serious scrutiny are carried, so as to decipher the genuiness of their trip. Duly satisfied, they are recommended to the embassies of those countries, for the issuance of visas. (Ahire, 1992; p.11; Oyejide, A.O. 1995; p.64; NDLEA: policies and programmes, 1996; pp.8-9). To deter intending traffickers into the illicit drug trade, the photographs and names of persons of Nigerians convicted for drug related offenses both home and abroad are published for public consumption.

The Asset investigation arm, realizing that, aggressive profit motive is the driving force behind the activities of illicit syndicated drug trafficking organizations, works within the empowerment of Decree No.3 of 1995, to fight against money laundering. This enables this subunit to investigate secret bank deposits and investments accruing from the staggering profits accumulated by drug dealers. This is aimed at hitting the traffickers where it would hurt them the most. (NDLEA: policies and programmes, Ibid. p.9)

A serious disease such as illicit drug trafficking plaguing societies needs a serious cure so that problems of political nature would be averted and the resources, rather to be used for the treatment of addicts and other related problems emanating from the drug menace, would be channelled towards the promotion of not only the economic and social development but the public health of the human families of states such as Nigeria. It will then not be surprising if law enforcement against the entry and exportation of controlled drugs are vehemently checked. This is a main issue favoured by the classical functionalists.

(ii) Prosecution Unit

Law is very instrumental in the successful eradication of illicit drug trafficking and use in Nigeria. Here, penalties are spelt out which should punish drug related offenders. Enforcement officers and agencies are empowered to combat the menace within the confines of legal provisions. So, the prosecution unit is the legal arm of NDLEA whose responsibility *inter alia*, is the prosecution of drug offenders (para. "a" Sec. 7 Subsec 2, Decree No. 48.)

The unit also renders the General and Assets investigation unit legal advice and assistance when such a need arises. (Paragraph "b" Ibid).When the investigation unit sends file(s) of

suspected drug traffickers arrested, the prosecution unit "writes opinions based on the facts and knowledge of the law particularly the NDLEA Decrees No.48 of 1990 and No. 33 of 1990. All opinions which the prosecution unit writes are meant to establish whether there is a prima facie case against the suspect or not". (Oyejide,A.O. *Opcit* p. 65). Since the legal strategy is adopted by this unit to enforce the International treaty provisions in the country's legal system, aimed at fighting illicit drug trafficking, its success hinges greatly on a dedicated and efficient machinery which must enliven the legal provisions to make it work. To grasp the import of this fact, Anthony Onuora, a legal officer at the NDLEA stated that "law does not exist and operate in a theory or in vacuo, it has to be functional. Functionality demands recognition of the problems of the times and these problems vary from time to time" (Drug Force, 1994. p.24). Even Mitrany saw that the peaceful separateness of states would create a great vacuum which would make it difficult for states to tackle issue areas for the common good of mankind. A void or vacuum must surely be occupied and illicit drug traffickers are sure to fill in this space and perpetrate their deadly dealings, which would pervade and permeate the national boundaries of states in leaps and bounds, with no active measures existent for states to frustrate the spread of the drug threat.

Mitrany supported the earnest effort of states to strive to actively interact and work together so as to seek and fulfill the areas of mutuality that will further bind those interests that are common to them. We can infer from here then that if there is cooperative efforts between Nigeria and the United Nations against the drug menace, a peaceful social and economic order would be entrenched, thus putting to an end conflicts and political divisions. In this vein, we can see that Anthony Onuora's assertion or position that the dynamic nature of our contemporary

world's problems begging to be vehemently tackled or solved by a functional legal instrument is true. We can derive from this view that the formation and implementation of Nigeria's municipal laws aimed at putting to an end, the drug menace must be in compliance with the international legal provisions provided and so, the spirit and intention of the obligations of the international drug conventions has to be followed to the letter. With this effort in place, no vacuum can be created as international drug laws are the binding force of the Nigerian State.

Further more, the prosecution unit of NDLEA conducts proceedings that essentially lead to the recovery of assets or properties used in drug related offenses which are forfeited to the state (Paragraph "c" Opcit). It has miscellaneous offenses tribunals (MOT) established and is responsible for the appointment of judges who handle numerous pending cases and performs legal duties as NDLEA may refer to it from time to time (Paragraph "d",Ibid).

However, impediments to the successful impact on the international drug treaty laws with Nigeria's jurisdiction come as a result of "overall laxity of security arrangements, the porous nature of our large borders and the astonishing institutionalization of corruption"(Ahire, Opcit.p.10).

(iii) Drug Demand Reduction unit:

The Agency saw the need to create a unit known as the Drug Demand Reduction because it was necessary to effectively reduce or prevent the illicit demand for controlled drugs in Nigeria, through detection, intervention and prevention approaches. This idea, if vigorously pursued forms the base on which illicit drug trafficking in dangerous drugs would be eliminated and bar youths from experimenting with such controlled drugs.

In executing its responsibilities, the DDRU

(a) Carries out campaigns, organizes seminars and workshops which are meant to scare and educate the general public on the dangers of controlled drugs and substances.

(b) Renders after-care rehabilitation, social reintegration and education of addicts in accordance with articles 38(1) of 1961 convention, 15, amendment to 38(1) of 1961 convention, 1972 protocol and 1988 convention.

(c) Promotes the welfare of convicts of drug related offenses

(d) Formulates and implements programmes touching on illicit Drug use reduction which are culturally relevant and feasible in Nigeria.

Toward the achievement of her lofty dreams, the Directorate of Drug Demand reduction broadly institutionalized the following Divisions, which are mutually complementary in character: They are:

(A) Public Enlightenment programme (Decree 48 of 1989, Section 7 (3) (a)):

This division is poised to use all channels of communication in its anti-drug campaign efforts which are designed to arouse public awareness, and giving them reliable information on the dangers of illicit trafficking and use, as well as conscientising the target population enmeshed in the quagmire of the drug menace and the yet to be vulnerable groups. The following strategies used are:-

- the employ of docu-drama which is a combination of documentary and drama which have visual effects and are blended with flowing narration, with its message conveyed along relevant cultural tones. Campaigns and lectures on the drug threat

are used with the full participation of casts who are popular stars and professional artistes, whose rendition is expected to have a touch of universal appeal and acceptance yet of a national significance.

- pictures and charts showing variety of drugs, which have colorfully illustrated messages on the effects of illicit drug use;
- the production of well designed information leaflets which in a versatile form address specific areas of problems associated with illicit drug use;
- the use of the electronic media and sponsorship of a thirty minute radio drama production and programmes on the drug problem in Nigerian society. Radio-TV advertisement, jingles, public enlightenment programme on"Drug your Doom" on FRCN, Lagos, live shows and concerts in schools and outdoor choice areas for featuring drama in different languages such as English, Pidgin, Yoruba, Hausa, Igbo;
- outdoor campaign through posters in English, Hausa, Igbo, Yoruba, Pidgin, Kanuri and Fulani, Handbills Bill boards, stickers, pamphlets and badges,
- Training and mobilization workshops and seminars are organised in collaboration with Government agencies or NGOs which among other things are featured a documentary, on the activities of NDLEA (Drug Demand Reduction Unit Public Enlightenment Division Activities for 1994 and 1996).

(B) Preventive Drug Education for schools:

The activities within this Division is aimed at instilling the value of self esteem into the

pupils and students of primary, secondary schools and tertiary institutions so that, they could resist the temptations and pressure of illicit use of drugs. Drug free clubs are formed in the primary and secondary schools as a result.

(C) Guidance and Counselling:

Counselling and referral services are organised for drug dependent persons. This approach is known to have the therapeutic effects on the addicts and is part of the general treatment procedure. Trained counsellors, tutors in secondary schools, locally trained volunteers and primary health care workers are all involved towards ridding the society of drug related problems. Peer group counselling are encouraged amongst youths in schools so that students would develop positive self concept and good interpersonal relationship, and protecting themselves from the dangers of illicit drug use (Oyejide, A. O Opcit P. 68; Ikegbuna, F. 1997, p. 15).

(D) Drug Education for General Populace Programme:

The entire citizenry are educated to stare clear of illicit drugs and warned of the effects of their illicit use. This is aimed at promoting and maintaining public health life styles and security in the society. Information on STDs and other hazards of sharing needles amongst drug addicts are emphasized.

(E) Social Welfare and Rehabilitation Programme (Decree 48 of 1989, Section 7(3)(b)):

The treatment of identified drug dependent person is a very essential programme of any

state. In Nigeria, results have been realized by this Division in collaboration with the social welfare division of the Federal and state Ministries of Health and Social welfare "as well as various psychiatric and teaching hospitals in the country in order to foster working relationship with these places and use them as avenues for referral treatment and rehabilitation of drug dependent persons" (Oyejide, A.O. Optic p.67).

The existence of rehabilitation centers facilitates treated drug dependents to acquire and possess skills, vocational training, the enhancement of their rehabilitation efforts and their reintegration into a conducive atmosphere or setting, which is geared towards averting recidivism.

The social reintegration of treated drug convicts are also embarked upon.

(F) Data Collection (Research Division):

This Division determines the nature and extent to which illicit drug use has pervaded and permeated the Nigerian society so as to design programmes that would aim at halting the menace and preventing its future spread.

The development of data bank on the issue of illicit drug trafficking and use, of national significance and international character where there is systematic data collection methods is embarked upon. This target is to facilitate the co-operation of the activities amongst the different units that have been formed and structured towards the operationalisation of the national drug control machinery. The Data Bank offers accurate strategies and data on the current situation of the drug phenomenon in the country, so as to further frustrate the moves of traffickers (Ibid. p.69; Musa,B. Opcit p.34).

(iv) Training, Research and Development Unit

This unit, being the fourth specialized unit of the NDLEA, initiates, develops and improves specific programs for the Agency. In order to pursue its objectives effectively, two subunits are established:- Training and Development, and Research and Planning.

(a) Training and Development: In this subunit,

- newly recruited cadets are trained,
- refresher courses are organised for operatives so as to keep them abreast of the current trends and methods of drug trafficking and interdiction,
- seminars, workshops and conferences are organised either unilaterally or bilaterally sponsored,
- monthly training programmes aimed at creating a forum for officers who have acquired interdiction training programmes abroad, are organised so that these officers could share and impart their knowledge and experience on their colleagues (NDLEA; Policies and Programmes, Opcit. p.10).

(b) Research and Planning:- This subunit

- computes statistics on arrests and seizures both within and outside Nigeria.
- conducts research on the *modus operandi* of drug concealment convictions of drug offenders and the current trend in the world of illicit drug trafficking are assessed.
- creates a database for the planning and analysis of the manpower needs of the Agency (Ibid).

The functionalists' idea of peace and security in the world through a spreading web of international activities which are made possible through the creation of complex related international agencies through the UN, with each of them dealing with issue areas towards the elimination of the drug menace, is also exemplified in the international activities of Nigeria's NDLEA's units, subunits and Divisions. The submandates associated with their creation is geared towards their mutual co-operation and actualization of the promotion of peace, development, health and other welfare areas, in the hot campaign against the illicit drug trafficking and use. The spiritedness and zeal infused in the national spreading web of activities towards eradicating the drug problem show that the zeal could be made to burn at the international arena in compliance with the requirements of the international drug treaty laws. This shows that Nigeria's functional activities at the national level will facilitate the concept of transferability of not just her jurisdictional structure but her skills that are required in solving social, economic, technical and humanitarian problems for the good of mankind or the human family, thus entrenching the good life, peace and security because of her willingness to participate and interact in the comity of nations.

To further make an impact on the conventions adopted against illicit drug trafficking, a most recent strategy was launched - The National Drug Control Strategy (NDCS).

(4) NDCS:

The most recent drug control strategy put in place in Nigeria is the National Drug Control Strategy (NDCS) which was launched on the 26th of July , 1995. This formation is in line with the United Nations General Assembly global plan of action of 1994. The strategy was a make

up of an interministerial committee inaugurated by the Commander-in Chief in 1994. The Interministerial multi-disciplinary approach is involved here because all ministries and agencies are expected to put in inputs one way or the other towards the co-ordination and systematic approach of eliminating the menace in Nigerian society. To this end, a co-ordinating center (NDCS) was created whose secretariat is the Directorate.

The task of NDCS is channelled towards

(a) The prevention of illicit drug use in all its ramifications, even in sports,

(b) Vehemently confronting and preventing the occurrence of illicit drug trafficking,

(c) Effective control and monitoring of the licit movement of drugs,

(d) The treatment, rehabilitation and social reintegration of identified drug dependent persons,

(e) The facilitation of national co-ordination and then channel all the efforts in compliance with the international drug control obligations (Nwani, C.U. 1997; p.22).

Thus, the vigorous implementation of the strategy is aimed at helping in:

(i) the redemption of the dented image of Nigeria from the enormous damage of illicit drug trafficking home and abroad;

(ii) facilitating the effective functioning of NDLEA and the objectives for which it was established so that the drug war could be won,

(iii) rallying all or creating a forum where all the relevant and competent International, Governmental and non governmental organizations would work towards the suppression and repression of illicit use of drugs and trafficking throughout

Nigeria and enhancing their performance;

(iv) setting forth outlines that would give the effective control of drug menace a sense of purpose and direction (NDLEA: policies and programmes. Opcit. p.7).

From these distinct goals of NDCS, we can infer that they form a base on which the eradication of the illicit use and trafficking of narcotic drugs and psychotropic substance both within and outside Nigeria, stand.

NDCS' initiative is modelled along the global drug control strategy of UNDCP. Buttressing this fact is Emily Adegbokun, the Director of NDCS. She states that "UNDCP encourages each Government to have a plan, to have a strategy to tackle the drug problem because, there at the international level, they do have a master plan for global efforts to tackle the drug as a menace. So, UNDCP encourages Governments to have strategies to work towards. The strategy has to be evaluated and reviewed periodically" (Ezeji, O. et al, 1988. pp.20-1). Further more, she says that states are expected to streamline their drug control policies along the master plan of UNDCP and open the doors of their national drug control machineries for UNDCP to come in for proper co-ordination to UN standard and expectation, since the drug menace is a global one.

For a total achievement of the set objectives, the NDCS document is divided into four components, namely:

1. Drug Demand Reduction
2. Control of licit supply
3. Control of illicit trafficking
4. Adequate and efficacious penal sanctions

Each of the components has its identified goals and a list of well designed method of implementation.

To further create heavier and practical impact on the international drug control machinery,

(a) illicit drug control committees on drug reduction are found in all the states of the federation. This is because, the philosophy of the NDCS is that of balanced approach, in that the anti-drug campaign goes beyond interdiction of supply reduction enforcement to stemming the demand for illicit drugs. Here again, the tendency for the duplication of functions between NDCS and DDR unit of NDLEA is carefully avoided. Although there are interactional activity between the NDCS and the specialized units of NDLEA, so as to perform that single task of campaigning against the drug menace in Nigeria and entrenching economic, social and humanitarian development and then achieving peace and security. This would be indicative of the fact that poverty has been alleviated, impending conflicts averted. This is highly reflective of the classical functionalists' view.

(b) NDCS' impact on the international drug control machinery are shown in her strategies evolved towards the identification of the roles of the traditional rulers, local Government chairmen, village heads, towards the control of both the use and traffic in illicit drugs.

(c) NAFDAC collaborates with NDCS in performing its role in accordance with the requirements of the strategy. Because NAFDAC is a regular and active member of the inter-ministerial committee, she sends reports about the control of licit drugs to NDCS which are then forwarded to UNDCP, annually. Ministries in co-

operation with NDCS pursue the cause of the strategy. Examples of such ministries are Education, Agriculture, Health and Other agencies. In that of Education, schools are encouraged to form drug free clubs and drug preventive education are formally or informally enshrined into the curricular of schools.

(d) The inter-ministerial Committee meets regularly and deliberates on prevailing drug issues, where decisions are made and passed on to NDCS for implementation. The costs of public enlightenment aimed at arousing the awareness of the Nigerian populace, on the effects of the illicit use and trafficking in drugs are critically studied and analyzed by the inter-ministerial committee (Nigeria's country Report at the 9th meeting of HONLEA. 1996. p.8). In this vein, NDLEA and NDCS receive information of accomplishment from other ministries on the anti-drug campaign. NDCS on the other hand receives support in this regard, from UNDCP.

Again, the co-operation of NDCS and UNDCP is exemplified in the sending out of questionnaire to all the units of the Agency all over Nigeria by NDCS, concerning the information on the extent of Nigeria's level of Drug control, which when returned to NDCS, are sent to UNDCP in either Lagos or Vienna. However, it has been observed that questionnaire sent out to NDLEA units all over Nigeria are not returned, thus hindering the effective assessment and compilation of results on the extent of Nigeria's drug control (Ezeji, O. et al Opcit.p.23). In fact, national cooperation towards the eradication of the drug menace would be undermined and could cause the same negative effect at the international arena, if such outright *lazzaire faire* attitude is exhibited by the zonal

area law enforcement agents, in Nigeria. Total commitment is needed at the national level, as this will only make the international instruments that have been put in place to control the drug threat, effectively. Otherwise, the good life for both the Nigerian populace and the entire human family will not be realized.

(e) Most importantly is the efficacy of penal measures on drug related offenses which focus on the sanctions that are existing presently in Nigeria. Apart from assessing the degree of adequacy and effectiveness or spirit of implementation of penal measures in Nigeria, a timely review, evaluation and monitoring of the efficacy of penal sanctions or provisions is made, which is primarily aimed at creating a renewed awareness, to the Nigerian citizenry on the current legal prohibition and control on controlled drugs. This awareness is made possible by continuous dialogue, through the organization of workshops and seminars. Recommendations are made by the academics, those from the tribunals, some private lawyers and civil service personnels, thus improving on the NCDCS' masterplan on drug control.

Lastly, NDCS is part of HONLEA, in that it encourages regional and interregional co-operation, working towards African States assembling in Nigeria for the discussion of and mutually agreeing on how to eliminate the drug menace in the continent. The NDCS secretariat also gives support to ECOWAS secretariat in the suppression and repression of the drug phenomenon in West African sub-region. Here, if effective cooperation exist between Nigeria through the instrumentality of NDCS and African States in conjunction with the United

Nations, towards the extirpation of the illicit drug traffic menace, a more harmonious co-operation will increase amongst them, thus actualizing social and economic development whose impact will be felt in the other areas of the world. That is, if they are committed in their bilateral and multilateral treaty agreements that will grant them easy access to the much needed assistance to eradicate the drug plague.

(5) Bilateral/Multilateral Agreements towards the control of Drug Trafficking:

The first step for any nation in the global war against drug trafficking is to sign and ratify all existing international conventions and protocols aiming to stem the drug problem. This would serve as a firm base on which any internal measure would be carried out such as law enforcement and bilateral agreements for cooperation in issue areas. While Nigeria has ratified the main international agreements on drug problems, she has also signed several bilateral treaties with some of her West African neighbours, with the United Kingdom, the United States etcetera. The main features of the International co-operation efforts which Nigeria has become party are:

(i) the uniform adoption of certain drug-related activities that have been criminalised,

(ii) unifying and simplifying extradition procedures,

(iii) mutual legal assistance,

(iv) formulating clear and extensive or broad based rules on the confiscation and forfeiture of proceeds of criminalised drug related activities , and

(v) rehabilitation and treatment of drug offenders or addicts.

Again, the formation or creation of NDLEA offers her the responsibility to co-ordinate

all domestic and international efforts at controlling and eradicating the drug threat, which further calls for total commitment in the campaign against the drug problem. Hence, her bilateral cooperation agreements concluded to tackle trans-border crime and drug trafficking which include:

(i) the quadripartite agreement with Benin Republic, Togo and Ghana,

(ii) the tripartite agreement with Niger and Chad,

(iii) the Nigeria-UK agreement on cooperation and mutual legal assistance in criminal matters,

(iv) the Nigeria-US mutual legal assistance treaty in law enforcement matters in 1987,

(v) the Nigeria-US agreement against illicit production, trafficking and illicit use of narcotic drugs and other drug related offenses of 21 March, 1990, and then

(vi) the Nigeria-Thailand Agreement of April 1990 to combat the Lagos-Bangkok route (Akagbosu, 1995. p.4).

These efforts aimed at eliminating illicit drug trafficking are to ensure that the public health and social welfare of mankind along with the economic, cultural and political foundations of states are not eroded and shaken respectively, but developed and consolidated. Thus, averting political divisions, conflicts and war. Total willingness and commitment is needed from states in their cooperation agreements to make the world a peaceful and secure environment to live in. To this end, Nigeria must be a keeper of the drug treaty obligations, bilaterally or multilaterally entered into, with the rest of the subjects of the drug treaty laws. She in fact must settle in for

the long haul, and enjoy the good life that comes as a result of cooperation efforts with the entire human family which the classical funtionalists advocate for.

(6) Limitation and Control of Supply of Licit Drugs:

The international drug control system recognizes that the diversion, illicit traffic and the legitimacy of narcotic drugs and psychotropic drugs are made possible because of demand and supply. "The supply aspect should meet the licit demand where there is an estimates system. While the single convention on Narcotic Drugs of 1961, provides for annual estimates of narcotic drugs required by each party to the convention, the convention on psychotropic substances does not provide for such estimates of requirements by each party. In the absence of an estimates system, there may be tendency to over produce and over supply" (Emafo, Opcit. p.76). To this end, Nigeria's social policies aimed at meeting the drug needs of her citizens, must include placing a tight rein on the indiscriminate supply of such controlled drug substances. This it could do by making sure that:

(a) drugs are exclusively limited and made available for medical and scientific purposes so that human sufferings and pains could be drastically reduced and achieve development for mankind, respectively,

(b) the promotion and maintenance of good health care through the availability of good drugs are not hindered,

(c) the legitimate need of drugs are dispensed by authorized and licensed drug experts and druggists,

(d) there would be no loopholes in the structures set in place warranting the diversion

of drugs from licit sources to illicit sources and preventing the illicit trafficking and use of drugs,

(e) there is a more vigorous and enhanced system of rehabilitating and socially reintegrating drug dependent persons, and

(f) there is a proper entrenchment of drug legislation and enforcement laws (Ibid. p.77).

However, the increased undermining of the UN obligation to exclusively limit the supply of licit drugs stem from the regulatory pharmacy laws of States which are not effectively promulgated, or enforced, which leads to the excess in production, as against the legitimate requirements mandated by WHO, unless national organizations and individuals are otherwise lincenced and authorized to keep excess stock of such controlled drugs (Ibid).

To avoid this problem, Nigeria's legislative and administrative control measures must not be contemplated along the possibility of licit drugs being diverted into illicit channels further leading to illicit traffic and use. As a result, import and export permits must accompany legitimate transactions in Nigeria, especially on controlled substances covered by tables I and II of the 1988 UN convention against the illicit traffic on narcotic drugs and psychotropic substances. The efforts of Nigeria notwithstanding, illicit traffickers are discovered to have surreptitiously used fake or forged import certificates to import psychotropic substances such as pemoline, into the country and this has distorted the data collection and analysis, investigation of reported cases of attempted diversion and the annual estimates to the INCB made difficult. While adopting a more secure way of using an import permit, the urgent need for producing and exporting countries should arise for them to have a deep respect for international law and national

control systems of even the weaker states such as Nigeria.

The clandestine use of chemicals not being in existence in Nigeria not withstanding, chemical inspectors of NAFDAC zonal offices all over the country have been empowered to monitor the distribution and use of all controlled chemicals. Again, NAFDAC in collaboration with NDLEA, investigate cases of diversion of all controlled substances from licit to illicit channels (Nigeria's Country Report at the 9th meeting of HONLEA, 1996, Opcit. p.9).

(7) International Co-operation:

Nigeria's further adopted strategy is shown in the area of International co-operation existing between her and the UNDCP. The Nigeria's co-operation with UNDCP is geared towards reinforcing the system of mobilizing and organizing the Nigerian resources and society. As at 1995, UNDCP's budget for the implementation of six projects in Nigeria stood at US $1.5, which include:

(a) reinforcing the operational capacity of the Special Units of the Agency,

(b) strengthening the after-care rehabilitation system for those Nigerians who are drug dependent. To achieve this UN mandate, UNDCP helped Nigeria to develop, equip and commission three community-based drug rehabilitation centres in Maiduguri in Borno state, Minna in Niger state and Ahoada in Rivers state,

(c) UNDCP supports NDLEA to embark on public enlightenment programmes "through preventive education and the production and broadcasting of two TV documentation on the drug situation in Nigeria" (Buckingham, A. Opcit).

(d) UNDCP helps to develop a balanced approach aimed at reducing demand,

(e) the establishment and equipping of the NDCS secretariat in NDLEA is done with the support of UNDCP so that an effective co-ordination and monitoring of all drug related activities would be realized,

(f) assistance is rendered to NGOs in relation to the funding of two projects. Street children and research, sponsorship of Nigerian researchers, the support and development of the African approach to solving the drug problem and promoting Nigerian solutions in countries having the same socio-cultural history and values, are all encouraged by the UNDCP.

Recognizing that all illicit drug trafficking is a very dynamic and highly organised syndicated business, Nigeria organizes training and refresher courses for drug control personnels but most importantly is the advanced and specialized courses organised for some Nigerian drug control personnels abroad in collaboration with the American Drug Enforcement Agency as well as the British customs and Excise in London. In addition, technical assistance have been rendered to Nigerian drug control officers by UNDCP in Cote D'Ivore, Namibia, Egypt, South Africa and London (Musa,B. Ibid. pp. 32-3).

Furthermore, Interpol/ICPO, is the largest police organization in the world because, its scope of operation is global in character. TO this end, the growing rate of illicit drug trade in the world has posed a great challenge to the organization, that it has committed a great measure of its resources into combating the problem of illicit drug trafficking, through the arrest and facilitating extradition of the drug offender who has completed his jail term to a requesting state.

In relation to the co-operation between NDLEA and interpol, the latter receives sensitive information and messages from other interpol offices all over the world, on drug related matters

for the former. For example, it could be on a drug offender who, having finished serving his jail term, is to be deported back to Nigeria. Interpol in Nigeria uses her superior logistics to intercept deportees who eventually walk into the waiting arms of the NDLEA officials at the point of entry. Unknown to the deportee, interpol of the said country where the deportee was jailed notifies the Nigerian interpol of his deportation.

Lastly, all the work of the interpol in Nigeria concerning illicit drug trafficking matters are carried out in close collaboration with the intelligence unit of NDLEA (Ebu-Amu, C. 1998, p. 17).

Nigeria's co-operation with UNDCP is aimed at combating the problem of drug trafficking and use right from the very roots just as the classical functionalists have been given the thumbs-ups for burrowing deep under the surface of reality to find the root causes of war and achieving a social, economic and humanitarian and even technical solution, which further leads to development and the improvements of social welfare of the human family.

The spreading web of international activities between Nigeria and the United Nations through the signing and functional implementation of bilateral and multilateral agreements, which facilitates the rendering of technical assistance to Nigeria is very much encapsulated in functionalism. The same goes with the cooperation between interpol and NDLEA of Nigeria.

Having looked at some of the strategies adopted by Nigeria aimed at making a positive impact on international drug treaty laws, so that the drug menace could be eliminated, we would examine the possible impediments against Nigeria's collaborative efforts with the United Nations towards the eradication of illicit drug trafficking, in the next section of this chapter.

5.03 Impediments to Nigeria's Collaborative Efforts with the UN in Combating the Illicit Drug Trafficking

Some hindrances have however come in between the smooth co-operation between Nigeria and the United Nations:

(1) Nigeria's oversize land borders hamstrings effective drug interdiction efforts,

(2) The liberalization of the issuance of Visas and the free circulation of persons and goods in ECOWAS subregion,

(3) Several typographical variations make land and water patrol very difficult. In addition, the Government's provision of boats, special patrol vehicles, such as jeeps, is inadequate in number to enhance drug interdiction,

(4) There is a general laxity at Nigeria's airports and sea ports,

(5) The wide prevalence of corruption in the country, which has enabled high level drug trafficking syndicates to infiltrate her security agencies, particularly amongst some of Nigeria's drug law enforcement officers,

(6) NDLEA's slow implementation of UNDCP's plans which hampers further development of the latter's programme and provision of resources for Nigeria, thus, hampering future planning,

(7) The lack of systematic empirical and dependable information in Nigeria. There are not yet studies, analyses and surveys that can inform the UNDCP the extent and pattern of illicit drug use in Nigeria, or the percentage of drug dependent Nigerians at a certain point in time, the age group involved and the geographical location of such problem in the country. Because of this difficult situation, UNDCP depends on various unprofessional sources such as mere observation, feelings and feedback (Iyamabo, J.A. Opcit. pp.47-8;

Ahire,P.T. Opcit. p.149; Drug Salvation Force, 1977, p.5; Bassey, O. et al Opcit. pp.44-5).

However, we believe that for an effective co-operation between the United Nations and Nigeria to exist, Nigeria in particular needs to appreciate the necessity for an increased co-operation with the United Nations through the UNDCP so that the drug threat would be tackled, thus leading to a development in Nigeria's economic, social and humanitarian factors. These factors are the major pre-requisite for the ultimate solution to problems of political nature which go a long way ushering in mutual trust between them, further leading to broader and higher levels of co-operation. This is supportive of the classical functional theory.

5.04 Summary

In this chapter, we examined the strategies adopted by Nigeria to effectively make the convention of the UN work. These strategies were the ratification of treaties, the formation of an Agency that will properly and purposefully co-ordinate the drug control system and activities, which would have a national significance and yet be of a global standard and dimension, the establishment of specialized units and the NDCS, whose various activities is geared towards performing one task and arriving at the same goal: the eradication of the drug problem, thus making the Agency a functional entity. Other strategies adopted by Nigeria are entering into bilateral and multi-lateral agreements, the limitation and control of, supply of licit drugs and enhancing international co-operation.

Finally, we saw how impediments hinder the smooth co-operation between the United Nations and Nigeria towards the eradication of illicit drug traffic in narcotic drugs and psychotropic substances.

CHAPTER SIX

CONCLUSION AND RECOMMENDATION

6.01 Conclusion

This study examined the co-operation between the United Nations and Nigeria in the fight against illicit trafficking on narcotic drugs and psychotropic substances. The focus was on the functional nature of both partners' co-operation within the platform of international legal instruments adopted to eradicate illicit drug trafficking.

What determined the direction of our study is the classical functional theory. This theoretical construct facilitated our establishing and analyzing the extent of the interaction between the UN and Nigeria in eradicating illicit drug trafficking, that has plagued the Nigerian society and the rest of mankind for a long time.

Chapter one stated the order in which the research would be carried out. Of paramount importance is the analysis made of some relevant texts, on the research questions raised and the explanation of the theoretical framework.

Chapter two extensively discussed what constitutes the instruments of co-operation between the UN and Nigeria towards the eradication of illicit drug trafficking. Treaties and conventions were seen as synonymous terms which legally and meaningfully create co-operation between the UN and Nigeria, when they consent to such source of international law. Treaties were seen as agreements that create obligations and that bind subjects of international law soon after negotiations have been made and concluded. We also saw treaties coming in various nomenclatures which are further classified into four

categories: universal, general, multilateral and bilateral. It was observed that States can only express their consent to be bound by a treaty in three ways: signature, ratification, accession and adhesion.

We observed that in order to ensure the effectiveness and continuity of the international legal instruments on drugs, that the rule of *pacta sunt servanda* should be maintained, with the spirit and intentions of the conventions well followed to the letter. We also looked at what awaits Nigeria if there is an inadequate level of participation in her treaty obligations. Lastly, we stated what is expected of Nigeria in the participation of the international campaign against illicit drug trafficking.

Chapter three looked at the background of some of Nigeria's functional activities at the United Nations shortly after she was admitted into it, which significantly aimed at giving us a picture of what her relations with the UN were like, before such relations extended to the campaign against illicit drug trafficking in narcotic drugs and psychotropic substances. Here too, it was observed that international co-operation in the field of drug control activities started in 1909 when thirteen states or nations gathered at Shanghai which came to be known as the 'opium commission'.

This meeting led to the signing of the first drug control treaty at the Hague in the Netherlands in 1912 which entered into force in 1915, thus becoming the first binding instrument of international law which geared towards controlling the distribution of narcotic drugs whose licit use were exclusively designed for medical purposes. We also saw that under the League of Nations, three main conventions were developed: 1925, 1931 and 1936. They were meant to check the drug trade.

This chapter also explained how the functions of the League of Nations were transferred to the United Nations in 1946, whereby, 1946, 1948 and 1953 protocols were adopted to prove the readiness of the UN to continue the campaign against illicit trafficking and use of controlled drugs. The single convention on Narcotic drugs of 1961 was adopted, which reinforced all previous international instruments, thus proving UN's combative efforts. The adoption of 1972 protocol strengthened the 1961 convention on narcotic drugs, so that States could vigorously prevent the illicit production of, trafficking in and use of narcotic drugs, and to work closely with relevant UN organs and specialized agencies in order to realize their treaty obligations. We also saw the adoption of 1971 convention which was meant to subject psychotropic substances under international control. Again, we looked at the five year (1982-1986) International Drug Abuse Control Strategy or Master plan which among other things, incorporated the NGOs in the global drug campaign, with a renewed call for increased co-operation amongst States. The 1984 declaration on the control of illicit drug use and trafficking criminalised illicit use and traffic in controlled drugs, seeing the threat they posed to the socio-economic development, security and possible interaction of nations States, which further led to the 1986 draft of resolutions for the extirpation of illicit drug trafficking. The adoption of the 1988 UN convention against illicit traffic in narcotic drugs and psychotropic substances followed, consolidating the 1961, 1971 conventions and the 1972 protocol. We also saw or noted that the General Assembly adopted the 1990-2000 Global Plan of Action to equally help in ridding the international community of the drug menace. Again, we looked at the General Assembly Resolution 44/16 of November, 1989 which was

convened to further strengthen international co-operation against the drug related activities between the UN and Member States.

We also noted the efforts of Nigeria against drug trafficking dating back to the early part of 1960s until the 1970s, when the menace took a new dimension because of the oil boom of the late 1970s, further leading to an explosive phenomenon, and showing the increasing number of Nigerians arrested abroad for drug related crimes. The government of the day responded to this development by promulgating Decree 20 which spelt capital punishment but gave way for Decree 48 of 1989, which established NDLEA. The new agency was not without its problems, until Major-General Musa Bamaiyi was appointed the Head and Chairman of the Agency.

Lastly in this chapter, we briefly saw the need for Nigeria to co-operate with the UN agencies so that she could successfully fight the drug menace.

Chapter Four, in looking at the structures put in place by the UN for and her assistance to Nigeria, we focussed on the need for Nigeria to partially transfer her jurisdiction to the UN for a functional co-operation between the UN and herself. We saw that terms, like Jurisdiction and Sovereignty relate to the operation of international law by municipal courts, and should conflicts arise between international law and municipal law, there is the need for both to mutually agree on issue areas such as illicit drug trafficking, so that mankind could attain the social, economic and humanitarian security. We also saw that jurisdiction may be derived from sovereignty of a State but that the authority of a State does not extend to certain matters such as the high seas but over the governed and property. The United Nations, as we observed, recognized that there exist

problems of differences in the penal measures of States, difficulty in putting in place universally established rules to be implemented at domestic levels of States, etcetera. However, the same parties to the conventions are expected to considerably adopt and implement the treaty laws within the framework of the international provisions with burning fervency. Here, the UN warned that if States such as Nigeria, continued to cling to the differences of their penal systems in their drug campaign, drug traffickers and cartels would take advantage of the lapses in the international treaties caused by States' dogmatic stance and this could spell doom for mankind as indicated in articles 36 of the 1961 convention (as amended), 22 of 1971 convention and 3 of the 1988 convention. This chapter also showed us how Nigeria must exploit the treaties and conventions that have been structured and laid down by the UN, within her area of jurisdiction which include seeking international assistance, implementing the UN provisions that mandates Nigeria to limit the trade and use of controlled drugs, rehabilitation of drug dependent persons, exchange of information, entering into regional and inter-regional co-operation , etcetera.

The extent to which the UN has assisted Nigeria at eradicating the drug problem was also discussed. Here, we noted that the UNDCP under the auspices of the UN has rendered assistance to Nigeria, with a view to entrenching inward development which specifically touched on the economic, social and humanitarian issues, thereby ridding the drug menace in our society. Lastly, our focus was on the role of the UN agencies and Organs at making the international system free of drug threat.

In chapter five, we enumerated and discussed how Nigeria has exploited the provisions put in place by the UN towards the eradication of drug trafficking and use.

We saw that the first effort Nigeria made was the putting to an end, the haphazard activities in drug control due to a non-existent centralized agency. This Nigeria did by promulgating Decree 48 of 1989 which established NDLEA, thus reinforcing the drug control activities of the federal government ministries and units. The legal status accorded NDLEA gave her powers to control the illicit traffic in narcotic drugs and psychotropic substances.

It was noted that NDLEA units all over Nigeria usually do not return the questionnaire sent to them by NDCS for adequate analysis of the drug situation in the country. This is indicative of the fact that NDLEA is yet to realize the value and sacredness of information which facilitate drug control. By implication, this laxity is a hindrance to the global drug control system.

Lastly, we discussed the impediments to Nigeria's co-operative efforts with the UN in extirpating the drug threat ranging from her oversize borders to her lack of information for UNDCP to work with. We therefore suggested that both partners especially Nigeria appreciate the need for increased co-operation so that hindrances could be surmounted.

We have been able to show that there exist a certain degree of co-operation between the UN and Nigeria towards the elimination of illicit drug trafficking.

As the classical functionalists argue, mutual co-operation in issue areas such as illicit drug trafficking campaign will further lead to broader and higher levels of co-operation, further leading to trust and harmony in the global system. That is, a renewed investment of efforts aimed at making a tremendous impact on the drug treaty laws, especially the 1988 convention which enhances co-operation between the UN and Nigeria.

Classical functionalism therefore serves as an eye opener in assessing international co-operation and level of commitment in making the Nigerian society a peaceful and secure place to live in.

We can then conclude that Nigeria needs to go back to the blueprint, look again at the penal measures and expedite action where necessary for the good of her citizens and the rest of mankind.

Lastly, we can say that:

- There exists a certain degree of co-operation between the United Nations and Nigeria which has been facilitated by the instruments of co-operation, structured and laid down by the UN for Nigeria to exploit.
- Nigeria can only encourage smooth co-operation if her drug laws and policies are made in compliance with that of UN provisions and pursued fervently.
- That the UN has rendered series of assistance to Nigeria towards the eradication of illicit trafficking and use.
- That Nigeria has signed and ratified the 1961, 1971, 1988 conventions and the 1972 protocol aimed at tackling the drug problem.
- Nigeria has exploited the provisions put forward by the UN towards the eradication of drug trafficking.
- However, that there exist some impediments clogging the smooth co-operation of the UN and Nigeria at routing the drug threat.
- That, since there is no prompt implementation of the programmes outlined by the UNDCP for Nigeria, further programmes, plans and resources meant for her will

be delayed and the future of a surest co-operation hampered.

Nigeria therefore needs to improve on this laxity and other problems so that her drug control programme would be very much boosted by the UNDCP, thereby making Nigeria a place where economic, social and humanitarian progress, peace and security would reign.

6.02 Recommendations

From the above conclusion, our analysis and investigation into how the United Nations and Nigeria have interacted or co-operated so that illicit drug trafficking and use could be eradicated, we are inclined to suggest ways to vigorously fight the drug phenomenon.

Nigeria should review her national pharmacy laws in such a way that she would exclusively limit the trade and usage of controlled drugs, so that the possibility of diversion of these drugs would be reduced and finally stopped. This would help in saving youths from illicitly using drugs.

Drug addicts should be easily identified, rehabilitated and socially reintegrated in a most conducive environment so that they will not relapse into recidivism. To strengthen her rehabilitation system, Nigeria should seek for more financial and technical assistance from friendlier nations and United Nations. This would be further enhanced, if bilateral and multilateral co-operation, being an essential supplement to the campaign against illicit drug trafficking would be regarded as a value instrument, meant to help her acquire necessary resources. This aid given her would enhance crop substitution programme in

the *cannabis sativa* growing regions of Nigeria should she tend to relax in the NDLEA's `operation burn the weeds' programme.

Exchange of information and intelligence reports is very much indispensable in totally eradicating illicit drug trafficking. To this end, since the plague is a serious one, Nigeria must highly acquire and utilize human and material resources. Nigeria must therefore assist some West African States and receive assistance from other technologically advanced States so that anti-drug agencies in West African sub-region could be properly computerized, practically embark on internet connectivity and proper information management. Hooking up and riding through the world wide network would enhance exchange of information and intelligence reports so that drug trafficking cartels would be hit below the belt.

NDLEA Decree 48 of 1989 was promulgated which contains stiff sanctions with wide powers, coupled with memoranda of understanding which were signed with Britain and the USA to coordinate efforts in routing the menace. NDLEA was also set up to co-operate with such foreign agencies to ensure that Nigeria's borders, seas and ports are properly guarded to make illicit drug trade hazardous and to seize and confiscate the assets of convicted drug traffickers in order to deprive them of the fruits of their dangerous adventure. However, Nigeria's purpose of entering and ratifying the conventions need to be pondered upon and given a rethink. The next step is then to assess her level of participation in the global drug control system.

To this end, if Government is serious in her interdiction efforts, Government should increase the budget meant for drug interdiction so that successes would be

recorded at different levels in Nigeria, because of the high syndicated and global networking nature of illicit drug business.

From the local level the entire citizenry have to be educated through enlightenment campaigns, made to be aware of the negative effects illicit drug trafficking and use have on an individual. Once an individual is wrecked because of the drug problem, he or she becomes a source of heartache and burden to his family and the entire Nigerian society. He also becomes a burden on the economy, because of the cost of treatment. Consistent and effective parental supervision and guidance are needed so as to prevent the younger ones from being susceptible to undesirable association and peer group pressure. Government should not ignore psychological and emotional turbulence that come from detachment from families, jobs , religion and bleak career future and advancement, etcetera. While NDLEA continues her public enlightenment programmes, its intensification must be felt, so that people will continue to be aware of the dangers inherent in experimenting with controlled drugs, even in schools. Again, NGOs, UNDCP and NDLEA should review their joint efforts at identifying drug addicts, treating , rehabilitation and socially reintegrating them into a better environment.

In pursuing the drug demand reduction, NDLEA needs to intensify the identification of farmlands of narcotic crops and open burning of weeds. For NDLEA to advance their drug campaign into the villages, where *cannabis sativa* are cultivated, local heads or chiefs who are the custodians of society have to be involved and properly paid. If there are ever any culprit, the supreme head and council of chiefs constituting the political authority have to decide to exile the culprit from the community. Thus, this

effort would serve as a deterrent to would-be growers of narcotic crops. Identification of growers of narcotic crops could only be possible if NDLEA in collaboration with local political authority recruit and pay errand boys from the community who are expected to report to the police about drug related crimes, who in turn would notify NDLEA for a surprise raid. This is necessary because the errand boys know better those perpetrators of the drug crimes and even if any, women who collaborate with those perpetrators. A place like Lagos, area boys could help since they are in the better knowledge of what happens in every nook and cranny of Lagos. Individual anonymous calls or reporting to NDLEA must be encouraged and taken very seriously because that approach is efficient in detecting and in interdiction efforts, and protecting the informer from attack.

In relation to legal strategy, the police, NDLEA, miscellanous offenses tribunals (MOT) and courts are used in the country's justice system to punish drug offenders, which is supposed to serve as a deterrent to unbending traffickers and users of controlled drugs. To this end, if punishment is only applied, there is the likelihood that the offender would be hardened and so, emphasis should not be on one aspect of corrective measure alone but a balanced approach. That is, relevant custodian institution should be designed in such a way that offenders are punished, reformed and integrated into a conducive environment, provided a trade or vocation, accepted as contributors in the socio-economic development of the society and not stigmatized in any way.

Sophisticated modern day technological facilities and gadgets such as high sensing equipment to detect concealed drugs, sniffer dogs etcetera should be provided for professional detectives, who are trained to handle the gadgets, so as to uncover drug

trafficking activities and to protect their lives too. Government should embark on tighter border controls and increased surveillance at Nigeria's ports and border areas. The military could even work with NDLEA in patrolling Nigeria's land and sea borders and territory since the geographical conditions of Nigeria make it susceptible to the illicit transit traffic. This will go a long way in enhancing law enforcement in combating the illicit traffic in controlled drugs. In this vein, the NDLEA recently realized the urgent need for the police to work closely with her in combating the drug problem in Nigeria. The role of police and NDLEA therefore, should be defined in order to prevent rivalry and conflict. The police should be given adequate training in diverse techniques of fighting the illicit drug trafficking and use.

The remuneration of NDLEA staff needs to be vigorously improved and other incentives given them, since drug law enforcement is a very sensitive and risky issue. Their salaries should be promptly paid also. Deserving officers should be adequately rewarded. This is to enable them resist the luring manipulations of drug barons. NDLEA also need to look again at, reviewing and improving her insurance, assurance policies and covers for all NDLEA staff. The staff welfare unit of NDLEA needs to expand the scheme to include immediate family members of staff who work in the danger zone areas such as the detectives and destroyers of *cannabis sativa* farmlands. The lives of the family members are also exposed to danger because of the vindictive nature of aggrieved drug barons, traffickers, narcotic farmers etcetera.

The proceeds raked in from oil sales should be properly channelled by the Government, so that the economy could be revamped. With the liquified natural gas

project in place at Bonny, Rivers state, production of gas should kick off so that the nation will shift part of her total dependency on oil to gas. This will yield more revenue for the country and create jobs for her citizens. The same applies to the agricultural and manufacturing sector. Their promotion and development will create a firm economic base for Nigeria and further facilitate her ability to meet her drug treaty obligations without having to depend on the West for financial assistance. She should even help other African countries to increase interdiction efforts in the drug campaign.

While alleviating the suffering of the masses, improving on their living standard, creating new jobs or gainful employment, improving their welfare, the National Health Insurance scheme that has not been put to work for years, should be invigorated so that mortality rate will be low. This would considerably close the vast chasm separating the rich and the poor masses.

NDLEA should be given an uninterrupted autonomy to arrest anybody involved, from the top echelon down to the social fabric of the Nigerian society. The Judiciary also should be given total autonomy and control, so that NDLEA could work in close co-operation with that arm of Government.

The public enlightenment unit of NDLEA in collaboration with the print and electronic media should educate Nigerians on the need to have obligation towards international law. They should be made to internalize the constraint of the law. But this is only possible if there is a pervading transparency in the structures of Government who are the custodians of the law. If it is the contrary, Nigerians will only see the adoption of international law which they are obliged to respect, as a means of frustration and

preventing those who want to take a chance on illicit drug trafficking in order to survive (Axel klein, 1994 p.663). To this end, NDLEA and the Government should encourage Nigerians to further help NDLEA meet the international drug treaty obligations.

The possession of Nigerian passports by non-Nigerians should be the main concern of the immigration service and corrupt officials should be prosecuted appropriately. This should also apply to Ministries of Internal Affairs, External Affairs and the country's diplomatic staff abroad. It may make sense to say that most black men, holding Nigerian passports and caught in drug trafficking and other crimes abroad are not really Nigerians.

The furnishing of information by Nigerian Ambassadors abroad to NDLEA about the activities of Nigerian traffickers should be intensified. The pictures and names of Nigerian traffickers should not only be published but also aired on a special programme in the print and electronic media which would serve as a deterrent to would-be Nigerian traffickers.

It is also needful for Nigeria to say "goodbye" to military rule from Nigeria's political arena and install a lasting democratic system of Government. To this end, INEC should block all possible avenues that drug barons will use to buy votes with their money from narcotic trade.

Nigeria should aim at achieving her objectives through increased regional and international cooperation. She should work through NDLEA with other States' drug agencies and inter governmental agencies and NGOs in eliminating the drug menace. Interdiction efforts should be encouraged around the Chad basin area with personnels,

speed boats, patrol vehicles, working offices, telecommunication facilities provided. From here, there will be a further strengthening of the regional bloc with the positive impact at the interregional and intercontinental levels.

It is very needful that all the various units of NDLEA spread all over the states of the federation, promptly complete and return the questionnaires sent to them by NDCS. This is to enable the NDCS collect and send the information UNDCP in Lagos or Vienna needs. If the units are reluctant to cooperate with NDCS, the efficiency of both the national and global drug control systems is retarded. To this end, staff training at NDLEA should include as a matter of necessity, research orientation and evaluation through the use of computers. Management Information System should not only be entrenched in NDLEA's central and zonal offices but improvement should be made on that area. This will enhance a mutual and effective control between NDCS and other units.

The philosophy and objectives behind the formation of NDCS and DDRU of NDLEA and their functions should be distinctively and convincingly set out so as to avoid the duplication of functions and waste of resources, clash or rivalry. Since NDCS is a coordinating body on the internal and external activities of NDLEA, it is still subservient to NDLEA. Therefore, it is needful that an independent expert committee be set up by the Government, but whose selection and appointment is largely determined by the populace or public working groups, professional bodies, international organizations based in Nigeria, traditional political leaders etcetera. The independent expert committee should be made to monitor and evaluate the activities of NDLEA and NDCS and ensure that there is a vigorous and functional implementation of anti-drug measures in

compliance with the treaty provisions. Their meeting and deliberations should be biannual and their remuneration for the two sittings come from UNDCP.

If drugs under control are classified because of the perception of their dangerous nature, alcohol should be regarded as a CNS altering drug because of the increase in road accidents in Nigeria. Like Russia for example, the production and distribution of alcohol should be strictly under government monopoly. In addition, taxation should be highly placed on alcohol consumption so that the money or proceeds would be used to help the destitute and further strengthen the rehabilitation system or centres. Tobacco advertisement in the country's print and electronic media, bill boards, sponsorship of musical, sporting , soap opera etcetera programmes should be discouraged. Glamorization of tobacco smoking on the television, the warning statement as mandated by the Federal Ministry of health and social welfare not withstanding, increase the rate of tobacco consumption amongst the society's youths which could further lead to experimenting with controlled drugs. The end result would be social crimes and more addicts in rehabilitation centres and a heavy burden on the economy. More consumption amongst unidentified addicts would heighten illicit drug trafficking, more work for NDLEA and more global attention to Nigeria's drug problems. So, it is a chain reaction that must be nipped in the bud right from the roots: tobacco and alcohol consumption.

Nigeria should continue and fully utilize the programmes designed by UNDCP meant to properly mobilize and organize the society. NDLEA should adequately guide UNDCP in developing the rural areas through crop substitution programmes especially cannabis sativa producing areas of Nigeria, alleviate poverty, promote the health care

system, educational system, unemployment reduction etcetera. Funds from UNDCP and other international organizations and NGOs should be properly managed and channelled towards meeting the country's drug treaty obligations. The same applies to confiscated proceeds from drug traffickers and barons. There should be the prompt implementation of UNDCP's plans and programs for Nigeria's drug control programmes by the NDLEA.

Recently, the US ambassador to Nigeria, Mr. William Twaddel paid a courtesy visit to NDLEA chief, Major-General Musa Bamaiyi at NDLEA Lagos. There he declared the US' intention in renewing the rendering of assistance to Nigeria, towards the eradication of illicit drug trafficking, with its positive impacts spilling into the West African sub-region. We suggest that the NDLEA utilize this opportunity judiciously which would lead to a broader and higher cooperation between Nigeria and the USA. The country needs more number of narcotic agents trained up to international standard, but would have a national significance. So, any officer who merits or meets the requirements should be sent abroad for training.

We also suggest that Western countries such as the USA should intensify her drug demand reduction programmes, since it is believed that drug demand fuels the illicit supply of controlled drugs. This would go along way frustrating traffickers.

The last, but not the least, is the urgent need for the radical reformation and equipping to a global standard, the forensic laboratory at Oshodi in Lagos where drugs seized from traffickers are analyzed and tested. Efforts should also be made to prevent drug barons from manipulating the forensic laboratory officials. This is to ensure reliability in the results of the tests conducted on such seized controlled drugs. NDLEA should also not only fully develop the laboratories that are yet to be completed but have

more laboratories in Port-Harcourt, Warri, Kano, Abuja, Adamawa and Enugu.

Finally, it is our hope that there would be renewed and intensified co-operation between the United Nations and Nigeria towards the eradication of illicit drug trafficking. For, it is in advancing this issue area in compliance with the international drug treaty laws and obligations, that the promotion of social, economic and humanitarian development lies. Even if there cannot be one hundred percent success in the fight, but Nigeria can put in one hundred percent efforts.

REFERENCES

Advanced Learners Dictionary of Current English.

AFOLABI, J.M. "The Drug War" Newswatch Magazine 22nd February, 1996.

AFOLABI, J.M. "Bamaiyi's New Challenge", Newswatch Magazine 24th March, 1990.

AHIRE, P.T. "Drug Abuse in Nigeria: Facts, Causes and Remedies", in Narcorics: Law and Policy in Nigeria. Published by the Federal Ministry of Justice. Law Series. Lagos. Vol.8.1990.

AHIRE, P.T. Total War: Reviewing National Strategies for the Control of Drug Trafficking and Abuse. ABU Zaria. January,1992.

AJAYI, F. "The Global Drug Scene" The United Nations Forum United Nations Information Centre, Falomo, Lagos. April,1994.

AKAGBOSU, C.T. "Drug Trafficking and the Transnational Connection: The Nigerian Experience", In: Nigerian Journal of Policy and Strategy, Vol.10. Nos.1 and 2 National Institute Press, Kuru. June/December, 1995.

AKPAN,M. "Tug of Drug War" Newswatch Magazine, July 1, 1996.

ALFONS, N. Drug Abuse and Penal Provisions of the International Drug Control Treaties, In: Bulletin of Narcotic5. Vol xxix, No.4. United Nations, New York. October-December, 1977.

APTER, D.E. Introduction To Political Analysis, Winthrop Publishers, Inc. Cambridge. 1977.

AXEL,K. "Trapped in the Traffic: Growing Problems of Drug Consumption in Lagos". Cambridge University Press. The Journal of Modern African Studies, Vol.32, No. 4,1994.

BADJAN-YOUNG, J. "War Against Poverty" (Editorial) Partnership for Development. A Quarterly Publication of the UN System in Nigeria. United Nations Information Center, Lagos Nigeria. Vol. No. 1. April/ June, 1995.

BASSEY, O. etal. "The NDLEA has Delivered" Drug Salvation Force. Published by NDLEA Nigeria. October-December, 1998.

Basic Facts About the United Nations. Department of Public Information, United Nations, New York. N.Y. 1995.

BAYER, L. "The Monitoring of Trade in and Control of Psychotropic Substances to Guard Against Their Diversion" In: Bulletin on Narcotics. Vol.xxxv, No. 4. United Nations
Publications, New York. October-December, 1983.

BUCKINGHAM, A. "UNDCP: International Drug Control Programme in Nigeria." Partnership for Development United Nations Information Center. Lagos, Nigeria. Vol.1. No.1 April/June, 1995.

CHUKKOL, K.S. "Towards a National Drug Control Strategy - A Blue Print" In: Narcotics:Law and Policy in Nigeria. Published by the Federal Ministry of Justice, law Series. Vol.8. Lagos, 1990.

Commentary on the Single Convention on Narcotic Drugs, 1961, prepared by the Secretary-General in accordance with paragraph 1 of Economic and social council *resolution, 914D (xxiv) of 3rd August,1962. United Nations Publications, New York.* 1973.

CUTTING, P.D. "The Technique of Controlled Delivery as a Weapon in dealing with illicit traffic in Narcotic drug and Psychotropic substances" In: Bulletin on Narcotics, United Nations Publications. New York. Vol.xxxv. No.4, 1983.

DESMOND, D. "Hot Money Worries" West Africa Magazine, 17-23 July,1995.

EBU-AMU,C. "The NDLEA/INTERPOL Co-operation". Drug salvation Force, 2nd Quarter. Published by NDLEA. Nigeria, 1998.

EKENNIA, A. Simpson, D.J. quoted in Ekennia, Anne's work, Christianity and Wealth: A Sociological Approach, An unpublished Dissertation. University of Ibadan, Ibadan, 1993.

EMAFO,P. "Drug Regulation and Social Policy", In: Narcotics:Law and Policy in Nigeria. Published by the Federal Ministry of Justice, Law Series, Vol.8 Lagos, 1990.

GAMBARI, I.A. Political and Comparative Dimensions of Regional Integration:The Case of ECOWAS. Humanities press International Inc. New Jersey, 1992.

GAMBO, M. *"Drug problem and national security:The Nigerian Experience" In: Nigerian* Journal of Policy and Strategy. Vol.10. Nos 1 and 2, National Institute Press, Kuru June/December, 1995.

GHALI, B.B. "Drug Abuse Worsens Globally" The United Nations Forum. United Nations Information Center, Falomo. Lagos. April, 1994.

HIGDON, P.A. "Drug Trafficking and the Transnational Connections" In: Nigerian Journal of Policy and Strategy. Vol.10. Nos. 1 and 2. National Institute Press, Kuru. June/December, 1995.

HINGORANI, R.C. Modern International Law. Oxford and IBH publishing Co. PVT Ltd. New Delhi, Bombay Calcutta. 3rd Edition. 1993.

IKEGBUNA, F. "Peer Group Counselling" Drug Salvation Force. Published by NDLEA, Falomo, Lagos.

INIS, L.C. Swords Into Plowshares. The Problems and Progress of International Organizations. University of London press, London. 1965.

IYAMABO, J.A. "Perspective and Strategies in the Control of the Traffic in Narcotic Drugs and Psychotropic Substances-The Police View Point", In: Narcotics:Law and Policy in Nigeria. Published by the Federal Ministry of Justice in Nigeria, Law Series Vol.8, Lagos, 1990.

KEGLEY, C.W. Jr. AND WITTKOPF, E.W. World Politics, Trend and Transformation. 4th edition. St. Martins Press, Inc. New York, 1993.

MADUAGWU, M.O, et al. "Drug Control Policies: A Comparative Perspective" In: Nigeria Journal of Policy and Strategy. Vol.10. Nos.1 and 2. National Institute Press, Kuru. June/December, 1995.

MARYAN, G.N.A. International Law, Law of Peace. McDonald and Evans Ltd, London, 1973.

MAZZITELLI, L.A. "Total Elimination of Substance Abuse and Illicit Drug Trafficking" Partnership for Development. A publication of the UN system In: Nigeria. No.3 April/May, 1996.

MORTON, A.K. AND KATZENBACH, N. D. The Political Foundation of International Law. John Wiley and Sons. Inc. New York, 1967.

MORTON, R.D. AND VAUGHAN, A.L. Models of Political Systems. Macmillan Press LTD London, 1971.

MUHAMMED, B.K. "Perspectives and Strategies in the Control of the Traffic in Narcotic Drugs and Psychotropic Substances." In: Narcotics:Law and Policy in Nigeria. Published by the Federal Ministry of Justice, Law Series Vol. 8, Lagos, 1990.

MUHAMMED, H. Synopsis on Public International Law. Faculty of Law, ABU Zaria, 1996/1997 session.

MUSA, B. Battle Against Drug Scourge: Bamaiyi's Magic Wand. A Collection of NDLEA Chairman/Chief Executive, Major-General Musa Bamaiyi's address, delivered during three successive Annual World Press Conference. Press Relations Unit, NDLEA, n.d.

NARCOTICS:Law and Policy in Nigeria Decree 48 of 1989.

NDLEA:Policies and Programmes, 1997 Diary.

Nigeria's Country Report at the Ninth meeting of Heads of National Drug Law Enforcement Agencies (HONLEA) Africa, Cairo, Egypt. 16-21 June,1996.

NWANI,U.C. "The making of National Drug Control Strategy Document" Drug Salvation Force, Vol.3 No.1. Published by NDLEA. Nigeria. July-September, 1997.

OKESHOLA, F.B. Socio-economic Characteristics of Convicted Female Hard Drug Traffickers in Nigerian Prisons. An unpublished M.Sc. Thesis ABU Zaria. 1993.

OYEJIDE, A.O. "Control of Drug Trafficking and Abuse:The NDLEA perspective" In: Nigerian Journal of Policy and Strategy, Vol.10. Nos.1 and 2. National Institute Press, Kuru. June/December,1995.

OLORUNTIMEHIN, O. "Sociological and Psychological implications of Drug Trafficking and Abuse". In: Narcotics:Law and Policy in Nigeria. Published by the Federal Ministry of Justice, Law Series, vol.8, Lagos. 1990.

OLUSANYA, G.O. et al. Nigeria's External Relations:The First Twenty-five years (edited work). University Press Limited, Ibadan, Nigeria. 1986.

ONUORA,A. "Sentence of Drug Convicts" Drug Force, Vol.3 No.1. Published by NDLEA, Nigeria. January,1994.

OSINBAJO, J. "Legal and Institutional Framework for the eradication of Drug trafficking in Nigeria, In: Narcotics:Law and Policy in Nigeria. Published by the Federal Ministry of Justice, Law series vol.8. Lagos,1990.

ONYEMA, E. "The INCB hails Nigeria's Drug control efforts". Drug Salvation Force Published by NDLEA, Nigeria. July September,1997.

ONYEMA, E. et al. "The Master plan will Rid Nigeria of illicit drugs". Drug Salvation Force. 2nd Quarter, Published by NDLEA, Nigeria. 1998.